

## **Cabinet**

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14<sup>th</sup> July 2016**

### **Present:**

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Bradford, Clokie, Galpin, Knowles, Shorter.

### **Apologies:**

Cllr. Michael

### **Also Present:**

Cllrs. Bartlett, Burgess, Hicks, A Howard, W Howard, Krause, Link, Miss Martin, Pickering, Sims, Smith, Wedgbury, White.

Chief Executive, Corporate Director (Law and Governance), Director of Development Services, Head of Finance, Economic Development Manager, Communications and Marketing Manager, Policy and Performance Manager, Senior Commercial Development Manager, Housing Strategy Manager, Head of Housing, Head of Health, Parking and Community Safety, Head of Culture, Senior Policy, Performance and Scrutiny Officer, Member Services Manager.

## **69 Declarations of Interest**

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Wedgbury	Made a "Voluntary Announcement" as a member of Kingsnorth Parish Council and Ward Member for Park Farm South.	72

## **70 Minutes**

### **Resolved:**

**That the Minutes of the meeting of the Cabinet held on the 9<sup>th</sup> June 2016 be approved and confirmed as a correct record.**

## **71 Adoption of Chilmington Green Design Code as a Supplementary Planning Document**

The report sought Cabinet's approval to recommend to Full Council the adoption of the Design Code to guide the implementation of the Chilmington Green Development as a Supplementary Planning Document to the 2013 Chilmington Green Area Action Plan.

The Portfolio Holder said he commended Officers for the work on the Design Code and considered that the document would guide the development of the individual planning applications which would come forward over time.

The Portfolio Holder for Culture, Leisure, Environment and Heritage said she was pleased in terms of the numbers of comments received on the draft document.

### **Recommended:**

- That (i) the representations received on the content of the draft Design Code document resulting from the public consultation process be noted.**
- (ii) the recommended changes to the Design Code as set out in Annex 2 to the report be approved.**
- (iii) the draft Design Code be adopted as a Supplementary Planning Document to the 2013 Chilmington Green Area Action Plan, subject to the identified amendments resulting from the representations received.**

## **72 Extending Bus Services into Park Farm South and East, Kingsnorth**

The report sought authority to commit developer contributions to extending the existing B-Line bus service into Park Farm South and East, Kingsnorth and recommended the use of funding already held by the Council for this purpose.

The Ward Member for Park Farm South said he had concerns about the scheme and expressed a wish that if the scheme went ahead, the bus operators use single decker buses. He advised of a recent issue whereby an HGV had tried to use the link which had caused an accident and traffic problems in that area of Park Farm.

The Ward Member for Weald East said that he supported the scheme and said that it was part of the overall strategy to reduce traffic and provide a bus service to residents.

### **Resolved:**

- That (i) the bid made by Kent County Council for the expenditure of c.£255,000 of SPG6 monies on the provision of the new service be agreed.**

- (ii) **the Corporate Director (Law and Governance) be authorised, in consultation with the Director of Development to conclude a Funding Agreement for a single up-front payment to KCC in the sum of £240,000 for the agreed bus service for the agreed period, upon appropriate terms and conditions including those set out in paragraph 9 of the report.**

### **73 Section 106 Annual Monitoring Report 2015/16**

The report updated Members on the financial contributions negotiated and secured in the financial year 2015/16 and the use and management of financial resources. The report also provided details of new S106 Agreements signed in the financial year and identified the progress that had been made since the last report.

The Portfolio Holder said that it was likely that the following year would see a significant rise in the contributions received as the Agreements in respect of Chilmington Green were concluded.

#### **Resolved:**

**That the report be endorsed and made available online to provide information to the public and provide a transparent record of Section 106 activity over the last financial year.**

### **74 Data Protection Policy**

The report advised that the policy had been brought up to date to ensure that it aligned with national legislation and policy, best practice around the country and across the Council and following a recent internal audit of the Council's data protection arrangements.

The Portfolio Holder said that he supported the revised policy and commended the two recommendations to the Cabinet.

#### **Recommended:**

- That
- (i) **the revised Data Protection Policy be approved and the information security policy be withdrawn.**
  - (ii) **the Corporate Director (Law and Governance) be authorised to approve minor amendments to the policy in line with working arrangements.**

### **75 Revenues and Benefits Recommended Write-Offs Schedule**

The report proposed the formal write-off of 122 debts totalling £149,109.45. The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy and the existing bad debt provisions already more than covered the sums involved.

The Portfolio Holder said that he wished to draw Members' attention to a recent report considered by the Audit Committee which detailed the work undertaken by the Fraud Investigation Team in terms of tracking down and pursuing money owed to the Council.

**Resolved:**

- That (i) **accounts totalling £8,929.91 that had been written-off under delegated powers (Financial Regulation 11.1) be noted.**
- (ii) **the write-offs listed in the Exempt Appendices to the report totalling £140,179.54 be approved.**

## **76 Affordable Housing Provider Protocol**

The report presented an updated version of the existing eligibility criteria to develop affordable housing in the Borough. This would allow for a wider range of models to be considered in the future whilst maintaining quality development and management. Specific approval was sought on the revised eligibility criteria that both Registered Providers and Non-Registered Providers of affordable housing would need to fulfil in order to maintain a programme of quality affordable housing delivery in the Borough.

The Portfolio Holder explained that Housing Associations were finding it more difficult to obtain access to funds for housing provision and the revised protocol would ensure the continuing inflow of affordable housing investment.

**Resolved:**

**That the revised eligibility criteria to widen the scope of affordable housing delivery in the Borough to meet local housing needs be approved.**

## **77 Procurement and Appointment of External Audit**

The report highlighted the work of the Audit Committee in identifying a preferred route to procure the Council's next External Auditor.

The Portfolio Holder said that the Audit Committee had recommended that the preferred procurement route for the appointment of an external auditor be via a sector-led body.

**Resolved:**

- That (i) **the report be received and noted.**
- (ii) **the Audit Committee's recommendation as set out in Minute No. 45/6/16 be endorsed.**

## **78 Ashford Borough Council Annual Report 2015-16**

The report advised that the Annual Report provided a transparent and accessible summary of the achievements and milestones of the Borough Council over the

course of the 2015/16 financial year. The report also sought approval in respect of the intended methods of distribution of the document.

The Portfolio Holder advised that in the future it was hoped that residents would sign up to receive an electronic copy of the Annual Report and also for other messages and information the Borough Council may wish to make available.

**Resolved:**

- That**
- (i) the contents of the Annual Report for 2015-16 be noted.**
  - (ii) the method of distribution as set out in paragraph 7 of the report be agreed.**

## **79 Management of the Julie Rose and Conningbrook Lakes and Country Park**

The report provided an update on the change in arrangements recommended to and agreed by the Cabinet in March 2016 concerning the lease of the Julie Rose Stadium and Management of the Conningbrook Lakes Country Park. Due to the need to protect pension rights of a number of staff, it had not been possible to transfer the service from ALT to Southern Neighbourhood Community Trust, however, ALT had agreed to enter into negotiations looking at the same legal arrangements previously offered to Southern Neighbourhood Community Trust.

The Portfolio Holder explained that the Stour Centre Redevelopment and Leisure Management Steering Group had met the previous day and intended to push ahead with their work imminently.

The Chairman of the Steering Group explained that the meeting was essentially an update and a discussion regarding the Task Group's remit and indicated that further updates would be provided to the Cabinet in due course.

**Resolved:**

- That**
- (i) the Council negotiate a concession contract with ALT for the operation of Conningbrook Lakes Country Park and Julie Rose Stadium.**
  - (ii) Officers engage the leisure market with a view to conducting a procurement exercise for these facilities, working with ALT and/or other leisure operators as appropriate, assisted by a dedicated budget of up to £20,000 in consultation with the Stour Centre Redevelopment and Leisure Management Steering Group.**
  - (iii) the Head of Culture and the Corporate Director (Law and Governance), in consultation with the Portfolio Holder for Culture, Leisure, Environment and Heritage be authorised to take all appropriate steps required to give effect to the recommendations and agree the necessary contracts.**

## **80 Looking After the Town Centre: A Review of T-CAT's Role and Its Needs**

The report advised that the Town Centre Action Team (T-CAT) had been formed three years' ago with the intention of having a flexible and reactive resource to keep the Town Centre attractive and well looked after. The review had been undertaken to check that T-CAT was achieving these goals and providing extra worth to the Town Centre.

The Portfolio Holder said that he believed that T-CAT had been a great success and said that he wished to place on record his gratitude to the Civil Enforcement Officer Team Leader and T-CAT Team Leader and the rest of the T-CAT members for their support and work.

In response to a question in terms of the availability of T-CAT in the villages and smaller towns within the Borough, the Chairman explained that they had been formed primarily for the Town Centres and as a general resource to the Borough and he said that extending their services to other areas was a question of balance.

The Portfolio Holder confirmed that they did visit Tenterden regularly and also visited villages.

### **Resolved:**

- That**
- (i) in the interests of better service integration and synergy and support to the Corporate Plan, T-CAT be relocated to the Environmental and Contracts Team and that management responsibilities be transferred to the Environmental and Contracts Manager.**
  - (ii) in support of recommendation (i) above the agreed budget for T-CAT transfer to the Environmental and Contracts Service to be managed and monitored by the Environmental and Contracts Manager.**
  - (iii) once the T-CAT team has settled into its new service location, and the synergy between T-CAT, Biffa and Aspire is better understood, the size of the T-CAT team should be re-assessed in line with Ashford's growth.**
  - (iv) in support of the Corporate Plan and its underpinning principles, the Environmental and Contracts Service consider the best way of raising T-CAT's profile once they are settled into the Environmental and Contracts Service.**

## **81 Phase 1 Commercial Quarter Office Development (Land Transaction)**

The purpose of the report was to highlight the regeneration and economic development benefits which would come from the proposed development and

request the Cabinet recommend to Council that it approves the Transaction, details of which were set out within the report and in the Exempt Appendices.

The Portfolio Holder said he believed that the scheme represented a massive undertaking for the Council and said he wished to acknowledge the work undertaken by the Senior Commercial Development Manager on the project and he believed that moving forward at this stage with the project was the right thing to do.

The Chairman explained that the Chief Executive had recently spoken to the Developer for the Commercial Quarter who were anxious to carry on and take forward the scheme. He said that the site had been vacant for over a decade and he therefore commended the scheme.

**Recommended:**

- That**
- (i) the advice contained within the report be noted.**
  - (ii) the valuation advice contained in Exempt Appendix A to the report be noted.**
  - (iii) the Transaction as set out in paragraphs 10 to 32 of the report be approved.**
  - (iv) the land disposal values in respect of the Dover Place Land and the South Park Land as contained in Exempt Appendix E to the report be approved.**
  - (v) the disposals referred to in recommendation (iv) above at the undervalue as set out in Exempt Appendix E to the report be authorised on the grounds that the land transactions would help to secure the promotion or improvement of the economic, social or environmental wellbeing of the local area and the undervalue is less than £2m under market value.**
  - (vi) the Chief Executive, in consultation with the Leader of the Council, the relevant Portfolio Holders, the Corporate Director (Law and Governance), the Head of Finance and the Head of Corporate Property and Projects be authorised to take the necessary steps to finalise and complete the legal documentation to enable the transaction to proceed.**

## **82 Funding to Support the Delivery of the new Ashford Town Centre College Campus**

The report advised on progress in delivering a new Further Education College Campus in Ashford Town Centre and asked the Cabinet to recommend to Council the approval of an additional bridging loan of up to £1m to fund phases 1 and 1A of the Ashford College Town Centre Campus. The report also asked the Council to approve the conversion of the bridging loan into a grant of up to £3m to gap fund Phase 1 and 1A of the Campus subject to the College complying with the Conditions of a Funding Agreement.

Tabled at the meeting was a revised set of Prudential Indicators for 2016/17 to 2018/19.

The Chairman advised that construction on the new College was now well under way and indeed work was now being undertaken on the second floor of the building. When completed, he said that it would cater for over 1,000 students. Currently he said over 700 students travelled outside of Ashford for further education and advised that the courses which would be available from the College would help raise Ashford's skills level required to meet the incoming businesses. He referred to the report and said that it was proposed that the Council would fund this grant by the use of capital receipts from Conningbrook land and also by the use of reserves and New Homes Bonus.

**Recommended:**

- That
- (i) **an additional bridging loan be provided to West Kent and Ashford College in the sum of up to £1m to be used for the sole purpose of the development of Phase 1 and Phase 1A of the Ashford College Campus on Elwick Road.**
  - (ii) **grant funding be provided to West Kent and Ashford College in the sum of up to £3m to be used for the sole purposes of the development of Phase 1 and 1A of Ashford International College Campus on Elwick Road and to be conditional as set out in the Heads of Terms.**
  - (iii) **the allocation of the receipt from the sale of land at Conningbrook towards the proposed £3m grant to West Kent and Ashford College be approved.**
  - (iv) **the loans and grant be secured against the West Kent and Ashford College Tonbridge Campus and Elwick Road Campus, subject to the successful completion of due diligence, which confirms there is sufficient security for the loan/grant and no state aid impediment to proceeding in the opinion of the Head of Finance.**
  - (v) **delegated authority be granted to the Corporate Director (Law and Governance) in consultation with the Head of Finance to execute and complete all necessary documentation to give effect to the recommendations.**
  - (vi) **the revised Prudential Indicators as tabled at the meeting be approved.**

## **83 Exploring the Merger of the Five East Kent District Councils**

The report sought approval in principle, based on the jointly agreed Statement of Intent attached as an Appendix to the report, to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet. This was in response to financial challenges facing Local Government and the opportunity to drive improvements and growth in the East Kent area.



The Chairman gave the background to his involvement in the current position and explained that it stemmed from a discussion between the Kent Districts and the Leader of the Kent County Council in light of the Government's devolution agenda. He emphasised that the work was at a very early stage and any decisions flowing from the work would need to be considered by Cabinet and Full Council.

The Vice-Chairman said the exploration of shared services might achieve cost savings without the requirement for the relevant Councils to merge.

The Chairman said that irrespective of the work to be undertaken, he was strongly of the view that Ashford was some way ahead of the other Districts in terms of its support and care for the elderly and he also referred to a potential issue over the equalisation of the Council Tax throughout the area and said that he would not wish to see Ashford's level of Council Tax increased.

**Resolved:**

- That**
- (i) the report be received and noted.**
  - (ii) the Statement of Intent (as outlined in Appendix 1 to the report) be approved).**
  - (iii) the five Councils explore the merger of the East Kent District Councils based on the following arrangements:-**
    - (a) The Chief Executives of the Councils' - jointly commission work to prepare a Business Case to examine the advantages, disadvantages and potential mechanism of a merger of the five East Kent District Councils.**
    - (b) Provision of up to £20,000 funding, from each Council to support the preparation of the Business Case (background information as set out in Appendix 2 of the report for developing the draft Business Case).**
    - (c) Delegation to the Councils' Chief Executives in consultation with the Leaders to agree the specific management of the Business Case.**
  - (iv) each Council raise specific points and issues they would like to be considered as part of the specification of work to be covered by the Business Case.**

**Recommended:**

- That**
- (i) the final version of the Business Case be reported back to each Council once completed but before any formal commitment is made to any further decisions or process.**
  - (ii) the formulation and agreement of any plan or strategy to implement any proposed merger of the East Kent District Councils be a matter of Policy Framework and be reserved for consideration of Full Council pursuant to Article 4.01 (a) of the Constitution of the Council.**

## **84 Member Training Panel Annual Report 2015/16**

The report advised that the Council's Constitution required the Member Training Panel to make an annual report to the Cabinet to review training issues. The report gave an overview on Member training from 2015/16 and expenditure from the Council's Member Training Budget as well as commenting on plans for the future.

The current Chairman of the Member Training Panel said that he wished to thank his predecessor for all her hard work with the Panel and on Member Training in the previous year. He also advised that he was working with Officers with a view to enhancing training for Members and also investigating the provision of accredited training in association with the Kent Association of Local Councils (KALC).

**Resolved:**

**That the Annual Report of the Member Training Panel for 2015/16 be received and noted.**

## **85 Local Plan and Planning Policy Task Group – 11<sup>th</sup> and 31<sup>st</sup> May 2016**

**Resolved:**

**That the Notes of the meetings of the Local Plan and Planning Policy Task Group held on the 11<sup>th</sup> and 31<sup>st</sup> May 2016 be received and noted.**

## **86 Joint Transportation Board – 14<sup>th</sup> June 2016**

**Resolved:**

**That the Minutes of the meeting of the Joint Transportation Board held on the 14<sup>th</sup> June 2016 be received and noted.**

## **87 Schedule of Key Decisions to be Taken**

**Resolved:**

**That the latest Schedule of Key Decisions as set out within the report be received and noted.**

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(KRF/AEH)  
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