



Cabinet

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Thursday, 12th October 2017 at 7.00 pm.

The Members of the Cabinet are:-

Cllr Clarkson – Leader of the Council
Cllr N Bell – Deputy Leader and Portfolio Responsibility for Legal and Democratic
Cllr Mrs Bell – Portfolio Responsibility for Environmental Land Management
Cllr Bennett – Portfolio Responsibility for Culture
Cllr Bradford – Portfolio Responsibility for Health, Parking and Community Safety
Cllr Clokie – Portfolio Responsibility for Planning
Cllr Galpin – Portfolio Responsibility for Corporate Property
Cllr Pickering – Portfolio Responsibility for Human Resources and Customer Services
Cllr Shorter – Portfolio Responsibility for Finance and IT
Cllr White – Portfolio Responsibility for Housing

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

Agenda

- | | Page
Nos. |
|---|--------------|
| 1. Apologies | |
| 2. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document: | i |
| a) Disclosable Pecuniary Interests (DPI) | |
| b) Other Significant Interests (OSI) | |
| c) Voluntary Announcements of Other Interests | |
| See Agenda Item 2 for further details | |
| 3. Minutes – To approve the Minutes of the Meeting of the Cabinet held on the 14 th September 2017 | |
| 4. To receive any Petitions | |
| 5. Leader's Announcements | |

Part I – Matters Referred to the Cabinet

None for this Meeting

Part II – Consideration of Reports from the Overview and Scrutiny Committee

6. Recommendations in Respect of Health Infrastructure Requirements in the Borough

Part III – Ordinary Decision Items - Key Decisions Annotated*

7. *Taxi Licensing Policy
8. Ashford Heritage Strategy
9. Disabled Facilities Grant
10. Self and Custom Build Register
11. Business Continuity Policy
12. 100% Business Rates Retention – Bid for Pilot Status

Part IV – Information/Monitoring Items

13. Schedule of Key Decisions
14. Items for Future Meetings

Part V – Cabinet Member Reports

None for this Meeting

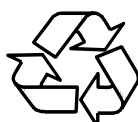
Part VI – Ordinary Decision Items

15. That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of this item as it is likely that in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information

- E1 Strategic Acquisition (Paragraph 3)

DS/AEH
4th October 2017

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14th September 2017**.

Present:

Cllr. Bell (Vice-Chairman in the Chair);

Cllrs. Mrs Bell, Bradford, Clokie, Shorter, White.

Apologies:

Cllrs. Bennett, Clarkson, Galpin, Pickering, Buchanan, Miss Martin, Mrs Martin, Ovenden.

Also Present:

Cllrs. Barrett, Burgess, Dehnel, Feacey, Howard-Smith, Link.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Housing, Senior Commercial Development Manager, Neighbourhood Services Manager, Senior Policy, Performance and Scrutiny Officer, Commercial Development and Regeneration Officer, Communications Officer, Senior Member Services Officer.

154 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 13th July 2017 be approved and confirmed as a correct record.

155 Corporate Property Performance – Annual Report 2016/17

The Portfolio Holder introduced the report which advised that the revenue generated by the Council's corporate property portfolio contributed significantly to the Council's income. The income generated for the financial year ending March 2017 was contained within the report. He advised that the Council had had a good year both in terms of income generated and in securing lettings at Park Mall. In response to a comment he had received from a Member by email, he reminded the Cabinet that the purchase of Park Mall had not been made to generate a revenue return, but rather for regeneration purposes and to reinvigorate the town centre and in this respect it was performing well.

Resolved:

- That (i) the revenue performance of the Council's corporate property portfolio during the previous twelve months as provided for in the Corporate Property Income Schedule attached at Appendix 1 to the report be noted.**
- (ii) the work undertaken to increase profitability and investment activity during the previous twelve months and going forward be noted.**
- (iii) the Chief Executive's urgency decision to authorise the execution of an agreement with High Speed 1 Ltd as described in the report be noted.**

156 Proposed Purchase of Light Industrial Units at Carlton Road

The report advised that the Council currently owned and ran an industrial estate at Ellingham which was fully occupied and with a tenant waiting list. An opportunity had now presented itself which would allow the Council to purchase off plan a proposed new light industrial estate comprised of 28 varied size units at a derelict site at Carlton Road, Cobbs Wood. The Portfolio Holder said he fully supported the proposed purchase on both a financial basis and for the possibility it gave for the Council to promote economic investment, growth of small business and employment opportunities in the Borough. He advised that the final acquisition was subject to detailed due diligence and final negotiation of contracts, but he wanted to thank the Officers who had worked so hard to bring this proposal to fruition, in particular the Commercial Development and Regeneration Officer

Recommended:

- That (i) the Head of Corporate Property and Projects be authorised, in consultation with the Portfolio Holders for Finance and IT and Corporate Property, and the Directors of Finance and Economy and Law and Governance, to carry out detailed due diligence, negotiate terms and take any other steps he considers prudent in the Council's interests in order to enable the purchase to proceed as a sound investment, and to approve final due diligence reports and a final risk analysis schedule which are satisfactory in his view, and subject to those matters (ii) and (iv) below become effective. In the event that those matters are not satisfactory, the proposal shall be reported back for decision by the Cabinet.**
- (ii) the Council enter into an agreement to purchase the freehold interest in the industrial estate as outlined in the report and appendices.**
- (iii) the Council agree to finance the cost of the purchase from General Fund Reserves and/or Prudential Borrowing at the discretion of the**

Director of Finance and Economy, in consultation with the Portfolio Holder for Finance and IT.

- (iv) **the Director of Law and Governance, in consultation with the Head of Corporate Property and Projects, be authorised to execute and complete all necessary documentation to give effect to the above.**

157 Tenancy Strategy, Tenancy Policy and Procedure

The report sought approval to adopt the new Housing Tenancy Strategy and Tenancy Policy and Procedure. The policy outlined the objectives of the Authority with reference to the review of fixed term tenancies and maximising the best use of the Authority's housing stock. The report also highlighted legislative changes brought in by the Housing and Planning Act 2016. The Portfolio Holder introduced the report and advised that it was not proposed to adopt the Government's optional 'Pay to Stay' Policy as the cost of administration would far outweigh any financial benefits.

Recommended:

That the revised Tenancy Strategy and Tenancy Policy and Procedure be adopted.

158 Ashford Borough Council Performance – Quarter 1 2017/18

The report updated Members and the public on the performance of the Council against its Corporate Plan for Quarter 1 - 2017/18. This included information on what the Cabinet had achieved through its decision-making, key performance data and consideration of the wider Borough picture which impacted upon the Council's work.

The Portfolio Holder drew attention to the summary highlights from the online Performance Dashboard. He re-iterated that the data belonged to the whole Council and he hoped all Members would look and take an interest in it. A timeline of achievements was also now available to the public via the Council's new website.

Resolved:

That the Council's performance against the Corporate Plan in Quarter 1 of 2017/18 be noted.

159 Financial Monitoring – Quarter 1 2017/18

The report presented an assessment of the outturn position based on the first four months of the financial year, including the General Fund, the Housing Revenue Account and the Collection Fund. The General Fund was projected to be overspent by £74,000, predominantly due to void periods at International House and homelessness pressures. The Housing Revenue Account was projecting an overspend of £708,000, largely due to the 1% rent reduction. The HRA Business Plan had been reviewed in light of this pressure and was still affordable. The report also updated Members on the new Local Business Rates Relief Scheme and the next

steps to implement the scheme as well as asking the Cabinet to delegate authority to the Director of Finance and Economy, in consultation with the Portfolio Holder for Finance and IT, to complete the design of and consultation on a discretionary scheme and for that to be reported to the Cabinet in December.

The Portfolio Holder advised that he had received some comments from Members prior to the meeting regarding the pressure on the planning reserve which was already fully committed for the year in terms of spend on planning appeals. If there were further appeals the Council would need to consider how to fund them and it may be necessary to earmark further funding from reserves to meet these pressures, either from the General Fund reserve, from additional planning income, or funding allocated to corporate projects. The Vice-Chairman in the Chair said it was absolutely vital that the Council continued to defend planning appeals in order to continue to protect residents from unscrupulous developments.

Resolved:

- That**
- (i) the outturn position for the General Fund Housing Revenue Account and the Collection Fund be noted.**
 - (ii) the appropriations between the General Fund and the Housing Revenue account contained at Paragraphs 15-17 of the report be approved or noted as appropriate.**
 - (iii) the purchase of land near Blind Grooms Lane (Paragraphs 18-19 of the report refer) be noted.**
 - (iv) the purchase of 112 Beaver Lane (Paragraph 20 of the report refers) be noted.**
 - (v) the continued operation of One You (Paragraphs 21-23 of the report refer) be noted.**
 - (vi) the breach of the Investment Policy (Paragraph 55 of the report refers) be noted.**
 - (vii) authority be delegated to the Director of Finance and Economy, in conjunction with the Portfolio Holder for Finance and IT to: -**
 - (a) complete the design of a proposed Discretionary Business Rates Relief Scheme based on the principles outlined in the report**
 - (b) conduct a consultation process on the proposed scheme to gather views on the design of the scheme to report back to Cabinet in December.**

160 Local Plan and Planning Policy Task Group – 11th August 2017.

Resolved:

That the notes of the meeting of the Local Plan and Planning Policy Task Group held on the 11th August 2017 be received and noted.

161 Economic Regeneration and Investment Board – 4th August 2017

Resolved:

That the notes of the meeting of the Economic Regeneration and Investment Board held on the 4th August 2017 be received and noted.

162 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.

DS

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Report of Overview and Scrutiny Committee to Cabinet

O&S Recommendations to Cabinet in respect of Health Infrastructure requirements for the Borough

The Overview and Scrutiny Committee recommends to the Cabinet:-

- I. The Council continue close working with the CCG to ensure that the Local Plan provides the requisite opportunities to support the development of healthcare provision.
 - II. The Cabinet ensure that related aspects such as transport access to health care (for rural and/or elderly populations) are considered via an appropriate task group(s).
 - III. The Cabinet consider how best to work with the Ashford CCG and other Kent local authorities to lobby for changes in the funding allocation formula for CCGs to better reflect the projected population growth of Ashford.
 - IV. The Cabinet consider how future S106 agreements can be made in such ways that, so far as possible within the legal parameters, contributions relating to health infrastructure can be flexibly applied to projects across the borough.
-

Date of O&S meeting: 27 July 2017

Chair of O&S Committee: Cllr Brendan Chilton

Date of Cabinet Meeting: 12 October 2017

Key Decision: NO

Significantly Affected Wards: All – none specifically

Relevant Portfolios: Planning
Health, Parking and Community Safety

Management Team Comment: See paragraph 10

Background Papers: **Clinical Commissioning Group's Plans and Requirements for Infrastructure** – report to Overview and Scrutiny Committee (and minutes), 25th July 2017

Contact: will.train@ashford.gov.uk – Tel: (01233) 330394

Report Title: O&S Recommendations to Cabinet in respect of Health Infrastructure requirements for the Borough

Introduction and Background

1. The Committee received an update on the development of the Infrastructure Delivery Schedule (which forms part of the evidence base to support the Local Plan) at its meeting of 27th June 2017. In this meeting, the Director of Place and Space noted that to date there had been a disappointing lack of input into the Local Plan process by the Ashford Clinical Commissioning Group (CCG). Members agreed that to try and address this, it would be beneficial for O&S to discuss future requirements for Health Infrastructure with a representative from the CCG.
2. Accordingly at its meeting of 25th July 2017 the Overview and Scrutiny Committee received a presentation from the Accountable Officer for the Ashford and Canterbury & Coastal CCGs detailing ongoing work concerning the Sustainability and Transformation Plan (STP) for Kent and Medway and the future infrastructure needs of the Ashford CCG. In response to the evidence presented to it, the Committee has made a number of recommendations which are contained within this report.

Presentation from Ashford CCG and Discussion of Health Infrastructure Requirements

3. The Accountable Officer for the Ashford CCG outlined the challenges facing healthcare provision in Kent and Medway, the CCG's plans for development of local care services and acute hospital services and the proposed changes for the Ashford area towards a more community-focused model of care.
4. It was noted that through delivery of the STP, healthcare provision within Ashford would be co-ordinated under three Clinical Provider organisations, each comprising multiple GP surgeries and covering different areas of the Borough. The Ashford Clinical Providers would offer a more joined up way of working for patients, comprising joined up nursing services, specialist GPs, community geriatric care, local level consultant clinics, joined up health and social care, links to the voluntary sector and improved access to minor injuries services.
5. This planned shift towards community care would increase the use of GP surgery premises within the CCG's area, which were already under pressure. The Accountable Officer advised that between 2015 and 2017 there had been an increase in practice population of nearly 5,000 patients, and the predicted future growth across the area greatly outweighed any remaining capacity within current GP surgery premises.
6. Of additional concern to the CCG in relation to the Borough's growth was the allocation of health spending for CCGs, which was set in accordance with

ONS data for population growth. The lag between the reporting of ONS population figures and the real growth of Ashford had meant that funding levels had not kept pace with population increases in the Borough, and had not taken into account the large younger population in Ashford, which had influenced service provision.

7. In response to Member questions regarding a lack of progress over the Local Plan between the CCG and the Council, the Accountable Officer advised that planning cycles for both organisations were misaligned, and that the high-level plans of the CCG needed to be tailored to a local level and implemented faster to provide clarity for the Local Plan process.
8. The Accountable Officer advised that the CCG was working with the Council's Planning and Development service on local plan developments and had identified areas of significant growth to be taken into account within the CCG's plans. In response to Member concerns over the potential loss of section 106 contributions where healthcare sites within new developments did not come forward, it was noted that securing as much flexibility as possible in future s106 agreements relating to the application of health infrastructure payments.
9. Members also discussed hospital transportation and the difficulties faced by patients living within the rural areas of the Borough with regard to healthcare access. The Accountable Officer explained that whilst the new model of care proposed under the STP could result in a greater range of services available within existing rural practices, the CCG's plans to date had not explored transport links.

Management Team Comment

10. Management Team have considered the report, and wish to make its own comments on the following recommendations –
 - (ii) - whilst it should be made clear that this was an area that Ashford Borough Council had limited influence over, the appropriate member groups to consider this matter would be the Public and Voluntary Transport Liaison Task Group and the Ashford Health and Wellbeing Board.
 - (iii) that this would be raised through the Kent Chief Execs and Leaders Forum.
 - (iv) whilst this could be taken forward, that this also relied on projects being identified by the CCG.

Conclusion

11. The O&S Committee notes the position of the CCG as reported by the Accountable Officer and recommends the following to Cabinet:
 - I. **The Council continue close working with the CCG to ensure that the Local Plan provides the requisite opportunities to support the development of healthcare provision.**

- II. The Cabinet ensure that related aspects such as transport access to health care (for rural and/or elderly populations) are considered via an appropriate task group(s).
- III. The Cabinet consider how best to work with the Ashford CCG and other Kent local authorities to lobby for changes in the funding allocation formula for CCGs to better reflect the projected population growth of Ashford.
- IV. The Cabinet consider how future S106 agreements can be made in such ways that, so far as possible within the legal parameters, contributions relating to health infrastructure can be flexibly applied to projects across the borough.

Contact and Email

- 12. Will Train, Corporate Scrutiny and Overview Officer
will.train@ashford.gov.uk 01233 330394

Agenda Item No:

Report To: **CABINET**

Date of Meeting: 12 October 2017

Report Title: **Taxi Licensing Policy**

Report Author & Job Title: Trevor Ford
Environmental Protection & Licensing Team Leader

Portfolio Holder Cllr. G.J. Bradford
Portfolio Holder for: Highways, Wellbeing and Safety



Summary: The purpose of this report is to present to cabinet a final version of Ashford Borough Council's Taxi Licensing Policy for adoption.

The prior version of this policy effectively 'expired' in April 2017. The latest version includes relevant updates and incorporates result from the public consultation period.

Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- i. Note the outcomes of the public consultation**
- ii. Review and agree to the additional changes to the draft policy**
- iii. Adopt the revised Taxi Licensing Policy as drafted**

Policy Overview: The determination of taxi and private hire driver, operator, and vehicle licence applications is a statutory duty and provides protection to the public ensuring vehicles, operators and drivers are fit and proper for the purposes of providing such services.

Our policy with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.

Financial Implications: None

Legal Implications Adjustment to the policy on the relevance of prior convictions has the potential to increase the number of applications refused on grounds that the applicant is not considered 'fit and proper'. This may lead to additional appeals against determinations by the licensing authority.

Equalities Impact Assessment See attached

Other Material Implications: None

Exempt from Publication: **NO**

Background Papers: Taxi Licensing Policy 2012-2017
(available via <http://www.ashford.gov.uk/taxi-licensing-policy>)

Cabinet Report July 2017 - Taxi Licensing Policy

Contact: Trevor Ford
Environmental Protection and Licensing Team Leader
trevor.ford@ashford.gov.uk
Tel: (01233) 330 397

Report Title:

Taxi Licensing Policy

Introduction and Background

1. A draft Taxi Licensing Policy was agreed at the Cabinet meeting of the 13th July 2017 for the purposes of public consultation.
2. The purpose of this report is to present to Cabinet a final draft version of Ashford Borough Council's 'Taxi Licensing Policy 2017-2022' which takes account of the comments made as part of the public consultation.
3. A policy relating to the determination of applications not only guides the decision-maker but also serves to inform an applicant about what they should consider in preparing their application.
4. Furthermore the policy sets out the standards to which the licensing authority will work and provides confidence to the public that the drivers are fit and proper, and that the vehicles are fit for purpose.

Proposal/Current Position

5. Following the closure of the public consultation on the 28th August 2017, and the comments received (see *Appendix A*) the following further changes have been incorporated into the final draft Taxi Licensing Policy
 - Reference made to the Information Commissioners Office with respects to CCTV installed within licensed vehicles
 - Reference made to Road Vehicles (Construction and Use) Regulations included with regard to the acceptability of window tints
 - Discrepancy between DBS certificate 'expiry' for operators and drivers corrected, both now read one-month as referenced elsewhere in the draft policy.
 - Terminology for 'wheelchair accessible vehicles', 'wheelchair bound persons', and 'he/she' updated to more appropriate terminology such as 'accessible vehicles', 'wheelchair user', and 'they' or 'them'
 - Inclusion of 'securing wheelchairs', as forming part of the appropriate training for drivers of wheelchair accessible vehicles.
 - Clarification that the passenger may not always be the hirer included, for example KCC Schools Contracts.
 - The number of hackney vehicles, private hire vehicles, and number of wheelchair accessible vehicles updated based on current numbers at the time of drafting this report.

- Inclusion of actions to date and planned with reference to the prevention and detection of child sexual exploitation (CSE)
 - General grammatical corrections, formatting, and clarification.
6. At the same time as drafting and consulting on the issue of the policy a number of enquiries have been made with reference to the licensing of rear-only loading wheelchair accessible vehicles. As such and given the nature of the enquiries it was felt prudent to include this aspect within the scope of this report, although disappointingly these enquirers have not commented on the policy consultation despite this suggestion being made.
 7. At current Ashford Borough Council have a policy of only licensing side loading wheelchair accessible vehicles, referencing a letter from the National Taxi Association (NTA) and their reference to the Royal Society for the Prevention of Accidents.
 8. Research conducted by the Environmental Protection Licensing Team Leader highlighted that;
 - Canterbury City Council
 - Dartford Borough Council
 - Gravesham Borough Council
 - Medway Council
 - Sevenoaks District Council
 - Shepway District Council
 - Swale Borough Council
 - Thanet District Council
 - Tonbridge and Malling Borough Council
 - Tunbridge Wells Borough Council

did not have any restrictions on rear or side loading, and only;

- Maidstone Borough Council
- Dover District Council

were the only Councils to refer to side-only access, by stating that ramps should be available to unload by the nearside passenger door.

9. Tunbridge Wells BC provided additional information to confirm that they used to have such a policy but removed this requirement, as there was insufficient evidence to support its continuation
10. Kent County Council Schools Transport confirmed that they had no restrictions for their schools contracts
11. The Medical Devices Agency, an Executive Agency of the Department of Health, publicise no recommendations relating to side or rear access vehicles within their document '*Guidance on the Safe Transportation of Wheelchairs*'.
12. The NTA advised that they have since dropped the side-only policy introduced by a former chairman, and felt this was a matter for the relevant disability groups. Therefore they do not have any such policy. Whilst the NTA provided

some background information they could not provide evidence to support their prior letter and policy

13. Disability Rights UK confirmed that they do not have a policy on this topic.
14. Access for All (a London centric disability group) advised that they did not have such a policy.
15. Ashford Access also responded on this issue in their consultation response, advising of the need for some rear-access vehicles in terms of providing mobility for those using larger mobility wheelchairs/buggies. They also noted that;
 - Some of the larger wheelchairs cannot fit within a 'black cab'
 - Issues with ramp gradient, for side access vehicles
 - Rear access does not require further wheelchair manoeuvre within the vehicle
 - 'Clamping-in' is safer
 - Facing forward enables conversation and is more comfortable
 - Side access vehicles sometimes use twin parallel ramps creating a sense of insecurity
 - Loading is more time consuming for side access vehicles
 - Side loading can limit the number of spare passenger seats available
 - Rear access vehicles are cheaper and more available, and thus likely to encourage the purchase of wheelchair accessible vehicles within the taxi firms

Full of comments are contained within *Appendix A*.

16. Members of the Taxi Forum were updated with respects to the above comments and research in the August Forum and the only comments received related to locations within the town centre for pick-up. Colleagues from the Parking team were on hand to provide advice on keeping within parking restrictions.
17. It is recognised that both rear and side loading taxis each present their own risks, and that these risks can be mitigated by sensible safe systems of work. Such controls may include loading in safe locations away from corners or main roads, using a hi-vis tabard and cone/triangle, and similar such steps
18. It is also noted that many privately owned wheelchair accessible vehicles and community transport buses are rear loading.
19. In summary, side-loading vehicles have issues with unloading onto narrow pathways or private driveways, and steep ramps. Rear-access vehicles have issues with potentially needing to adjust to load at a rank location, and on with loading from the highway where there is not an alternative option.

20. It is also envisaged that by allowing the use of rear-only loading vehicles, the number of wheelchair vehicles within the fleet may increase as such vehicles are cheaper to purchase and run. As an estimate they are more comparable to a normal saloon car in terms of costs.
21. In light of the information gathered, there appears to be insufficient evidence to justify a continuation of the side-only policy, and insufficient evidence to adequately counter an appeal on refusal to licence a rear-loading wheelchair accessible vehicle.
22. As such the following changes have been incorporated into the relevant sections of the policy;
 - Removal of reference to side-only access vehicles being the only acceptable wheelchair accessible vehicle
 - Inclusion of the reference to rear-only access being permissible where there is the option of a passageway or foldable/removable seats for emergency exit in the event of a rear-end accident
23. Finally it has also been concluded that it would be prudent to ensure that any LPG vehicles within the licensed fleet have been converted by a competent and safe installer, and as such the following requirement has been included in the draft policy;
 - If the vehicle is LPG converted, the vehicle must be registered on the UK LPGA register or equivalent to demonstrate that the work was been conducted by a competent and safe installer

Implications and Risk Assessment

24. The update to this policy is not anticipated to have any significant implications.
25. The greatest implication perceived is the potential for more applicants to be refused a license based on the greater emphasis on the relevance of prior convictions. Such refusals or enforcement relating to relevant convictions are subject to the usual rights of appeal through the council or the Magistrates Court. As such it is important to ensure that conviction policies must be justifiable, and the adoption of the LGA example policy assists in ensuring that the requirements are balanced with the need for taxi provision and the need to protect the travelling public from drivers who may not be considered 'fit and proper'
26. The other perceived implication is that the licensing of rear-loading wheelchair accessible vehicles may have a minor impact on the loading of wheelchairs at busy ranks such as the Ashford International Station (domestic) forecourt where rank space is limited. This may in some case involve the repositioning of the vehicle to load, however this is not seen to be a major issue preventing the change in policy. Other larger ranks such as Bank Street, where space for the leading vehicle can be left for loading, are unlikely to be affected,
27. Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause.

Equalities Impact Assessment

28. The policy will affect all persons involved or affected in a relevant licensable activity in the Borough, irrespective of gender, race, disability, sexuality or age. Recipients of the policy include holders of licences, members of licensing sub-committee, authorities e.g. Kent Police, KCC Schools Transport, Kent Fire & Rescue Service, etc. and all of the Borough's businesses, residents of the borough and those who visit and use local taxi services.
29. An equalities impact assessment is attached as *Appendix B*

Consultation Undertaken

30. The 28 day consultation conducted between 1st August and 28th August, was carried out by means of;
 - A published draft policy (available on website and hard copy on demand) alongside the current policy. This included a summary of the changes.
 - Written invites to comment on the proposals were posted to;
 - i. All Private Hire Drivers
 - ii. All joint Private Hire and Hackney Drivers
 - iii. All Private Hire Operators
 - iv. All Hackney Vehicle Proprietors
 - v. All Private Hire Vehicle Owners
(*Total 392 members of the taxi trade*)
 - vi. Ashford Access Group
 - vii. Kent Police – Op Willow (Child Sexual Exploitation)
 - viii. Kent Police – Licencing
 - ix. Kent County Council Schools Transport
 - x. Kent District and Borough Councils
 - xi. Guide Dogs for the Blind Association

and responses were suggested either by means of letter, email, or online survey.

- An open public/trade drop in session on the morning of 11th August 2017 to discuss the proposals and impacts. As well as advertising the session to the above groups in the consultation letter, specific invites were also emailed to the Taxi Forum trade representatives.
 - It was concluded that we would consider any late responses, however none were received.
31. In addition, our Communications team published a press release on 14th July 2017. We are aware that this resulted an article in the Ashford edition of the Kentish Express (20th July 2017) detailing the upcoming consultation.
 32. The open drop-in session policy session prompted two individuals to attend. One a driver and private hire operator who had no comments or objections to raise, and the other a driver and Taxi Forum rep advised that they would

respond separately as part of the consultation process. No other groups attended.

33. The formal phase of the consultation received responses from;
- 1 taxi driver / Taxi Forum rep
 - Guide Dogs for the Blind Association
 - Kent Police – Operation Willow
 - Kent Police – Licensing (Ashford)
 - Ashford Access
 - Kent County Council Schools Transport

Other Options Considered

34. It is recognised by the Department for Transport that it is for local authorities to reach their own decisions on overall policies and on individual licensing matters.
35. There are as always a number of options available to councils with respects to taxi licensing these include placing further restrictions or requirements that are deemed necessary for the purposes of taxi licensing.
36. It is felt that the options considered are appropriate to the borough, and that further restriction or control will not further the objectives of the Council with respects to taxi licensing at the current time.

Reasons for Supporting Option Recommended

37. The revisions to the policy mainly relate to legislative changes and seek to clarify some aspects of the original policy. These changes are supported for the purposes of ensuring that our policy remains relevant, accurate, and adds value to the licensing regime.
38. The inclusion of the updated relevance of criminal convictions, provides a greater level of protection for potentially vulnerable members of society from those with prior convictions for serious criminal offences
39. The other main change relates to the removal of the side-only wheelchair accessible vehicle policy, as there is insufficient evidence to justify its continuation and leaves the authority open to viable challenge through an appeal to the Courts.
40. Overall this approach is recommended to ensure that the policy remains up to date, and can be effectively applied by the council, officers, applicants, and the general public.

Next Steps in Process

41. Once the revised policy has been adopted, it will be made available on the licensing pages of the www.ashford.gov.uk and used immediately by Officers for decision-making purposes.

42. The final policy will be subject to review after five years, along with any periodic review brought about by changes in the Council's approach, or change to relevant legislation

Conclusion

43. In summary a licensing policy would be unlawful if it gave the impression that it could dictate the contents of an application and give the impression that the Council would assess and exercise substantive discretionary powers in relation to all applications, unless there are relevant representations and the decision taking function is permitted under the authority of the Act. Ashford Borough Council's policy was originally reviewed by Counsel on this basis and has been updated accordingly.
44. Revisions have been made to sections of the policy based on associated legislation updates, need to protect the general public, and need to provide clarity on ambiguous points in the prior policy,

Portfolio Holder's Views

45. "I support the final draft of this policy which adds clarity over the prior policy, provides protection to vulnerable members of society, and removes unnecessary burden on the trade" - Councillor G.J. Bradford

Contact and Email

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Appendix A: Consultation responses

Appendix B: Equalities Impact Assessment

Appendix C: Final draft – Taxi Licensing Policy 2017-2022

Please note

A copy of the current Taxi Licensing Policy 2012-2017 is available via;
<http://www.ashford.gov.uk/taxi-licensing-policy>

Appendix A
Consultation responses

Respondent	Comment	Officer Commentary
KCC Schools Transport	<i>5.7.1/2/3 Kent CC requires drivers and vehicles operating on its contracts to wear/display badges/plates regardless whether an exemption has been given by the Licensing Authority.</i>	Noted. It is unlikely that the executive vehicles that have been granted exemption will be contracted for schools transport work, however KCC can place their own contract requirements above and beyond the licensing requirements, so long as the operator complies with the licensing conditions applicable to them.
	<i>5.8.3 Given the legal demands on any individual or organisation using CCTV, rather than just ensuring the system conforms to the DPA, it might be beneficial to reference legislation and guidance issued by the ICO</i>	Noted and draft policy updated.
	<i>6.2.1 Might the wording be clarified, perhaps in a similar fashion to App A 2.1/3.2</i>	Agreed, and draft policy wording now clarified.
	<i>6.7.5 App D 1.5 point 10 should perhaps stipulate five years continuous residence</i>	Noted, and clarified that the 'good conduct' certificate is for the last 5 years, if the applicant has lived outside of the UK during this period.
	<i>6.11.2 Is it correctly understood that the PH driver's conditions supersede the Council's byelaws in this situation?</i>	Correct.
	<i>7.2.1 Currency of a DBS check for an Operator's Licence (3 months) differs from the currency of a DBS check for a driver's licence (1 month) (App D 1.5 point 9) and currency is not referenced in relation to renewal of a drivers licence (App D 3.1 point 6). It may be beneficial to consider the facility afforded by the DBS online update service.</i>	Discrepancy between licence types updated so both read 1 month, and updated service now mentioned.
	<i>1.13.1 final line – replace 'should' with 'must'?</i>	Noted, and clarified in draft policy.
	<i>1.18 The use of any additional tints on glass is of concern to Kent CC although it is accepted that, in the absence of specialist equipment, it isn't possible to determine specifics in relation to light transmissivity and any testing with therefore be subjective. Including a reference to The Road Vehicles (Construction & Use) Regs 1986 may be beneficial. Anecdotally, it is understood that some insurance companies require to be</i>	Noted, reference included in draft policy.

	<i>notified of additional tint being applied as it can be considered to be a vehicle modification.</i>	
	<i>1.21 Might be more appropriately entitled 'Mobility Access' or 'Accessible Vehicles' as the text relates only to passengers who have a physical disability</i>	Draft policy terminology updated.
	<i>1.21.4 The determination of what constitutes 'sufficient' training is open to interpretation and the training requirement should include securing wheelchairs and passengers in the vehicle. The term 'wheelchair bound passengers' is perhaps better expressed as 'wheelchair users'.</i>	Noted and terminology updated in draft policy.
	<i>App A 2.2 Kent CC may engage under contract a HC vehicle to convey a client from a point outside the Borough. It might be helpful to reference that the hirer will not always be the passenger.</i>	Noted and clarified in draft policy.
	<i>App A 2.5 'issued with a device'</i>	Noted, spelling corrected.
	<i>App A 3.1 It is understood that, across the County, a number of PH drivers operate 'London style' black cabs as they afford easy access for wheelchair users and others with mobility impairments. Any restriction on PH drivers using such vehicles is likely to restrict the ability of Kent CC to secure suitable transport for its clients.</i>	Concerns noted, however we are aware that there are plenty of alternate suitable vehicles available for private hire use that are not black cab type. Many of which are much cheaper to purchase for the operators. Ashford BC currently license two 'black cabs' as hackney vehicles, and note that the LTI cabs are not necessarily first choice. Most wheelchair accessible vehicles are other makes.
	<i>App A 3.5 point 2 and App I 2.2 point 3 Kent CC does not issue such signs and does not require PH/HC vehicles to display them</i>	Noted, however the ability to display KCC signs if later required has been retained should KCC consider this appropriate in future.
	<i>Throughout – it may be preferable to replace 'his' and 'him' with a gender non-specific pronoun, ie 'their' or 'them'</i>	Noted, draft policy updated accordingly.
Ashford Access	<i>It is good to know that all newly licensed Cabs must be fully accessible and that there are regular health checks for drivers.</i>	Noted.
	<i>With regard to the licensing of rear access vehicles as Taxis or Private Hire, we consider that there is a need for some Licensed vehicles of this type to be available. Many profoundly disabled people rely on quite sizable electric 'buggies' which could not be accommodated in the usual Black Cab style taxi.</i>	Noted, and incorporated into draft policy by removing restriction on rear-only loading wheelchair accessible vehicles. It is hoped that this will encourage additional wheelchair accessible vehicles, and increase variety allowing the larger mobility devices to be accommodated.

	<i>With regard to the normal black cab driver assistance may be needed because of the gradient of the ramp to enter a Cab.</i>	Noted. Drivers of listed wheelchair vehicles are required to provide assistance under the Equalities Act. This has been clarified in the draft policy.
	<i>Access to new stretch celebration-style vehicles should be possible, with the provision of clamps for a wheelchair for someone unable to transfer to normal seat.</i>	Noted and covered in vehicle standards.
	<i>There is a need to make clear to the public the difference between Taxi and Private Hire services and what can be expected in the way of access and assistance, Perhaps private hire call centres should be encouraged to enquire if the passenger has any mobility problems, or will be using a wheelchair, at the time of booking.</i>	Noted. Details of wheelchair accessible vehicles are available on the ABC website. Although we would expect a passenger to highlight if they need a larger or wheelchair accessible vehicle, we would welcome any Ashford Access involvement at our next Taxi Forum to encourage private hire firms to provide greater assistance to users who may require such assistance.
	<i>In the past there have been occasions where the driver has not been willing to load a chair due to a painful back or the danger of damage to the vehicle</i>	Currently no drivers are exempted (with appropriate certificate) from the duties to assist under the Equalities Act on medical grounds. As such, we would welcome any such incidents to be reported to the Licensing Team for investigation.
	<i>It should be remembered that not all disabilities are visible and sometimes patience is called for.</i>	Noted.
	<i>We feel it would be helpful if a short disability questionnaire, or similar, is included in the 3 yearly driver test (medical)</i>	Unfortunately the 3 year medical is a standard assessment conducted by any appropriately qualified and registered GP, and as such it is not possible to incorporate ABC specific training within this assessment.
	<i>It would be helpful if there was a brief leaflet, for immediate distribution, giving basic guidance to drivers, particularly important when assisting the blind is considered. There is a recommended way to offer assistance, but all too often it happens that the blind person is held and guided firmly, with little communication. This is the direct opposite of the recommended actions.</i>	Along with accessibility details in the application packs and at verbal tests, we currently provide the Guide Dogs for the Blind Association's top tips leaflet in all driver application and renewal packs. This leaflet has also been distributed via the Taxi Forum meeting.
	<i>I have it on authority that guide dogs have occasionally been refused and once the guide dog was not permitted into the footwell in the front as the driver was very anxious about dogs. There is also the question of attempt to charge for the dog. There are now assistance dogs for many conditions and it should be made clear that all such dogs must be carried. Such an animal normally wears a distinguishing tabard.</i>	As above, accessibility features in the application pack, and verbal tests, with particular reference to assistance dogs. We have no medically exempt drivers, so there should currently be no refusals, and no additional charges for the carriage of assistance dogs. In addition, during the early part of 2017 we conducted some mystery shopper exercises in association with the Guide Dogs Association, which

		were on the whole positive. We intend to repeat such exercises on occasion, and would highlight the need for any refusals to be reported for investigation by the Licensing Team.
	<i>The taxi ranks seem adequate, though a drop off in town centre for disabled passengers would be an advantage</i>	Noted and referred to Parking colleagues to consider whether there is a need and whether viable.
	<i>CCTV seems to be advisable for drivers and passengers alike</i>	Noted and agreed.
	<i>While the above comments are general observations, we fully expect that any and all changes in related legislation will be implemented promptly.</i>	Noted and agreed.
	<p><u>Advantages of rear loading</u> <i>The ramp is less steep and is invariably a single one. Possible to drive straight in without further manoeuvre. Facing forward enables conversation with other passengers and is more comfortable. Clamping-in is safer.</i></p> <p><u>Disadvantages of side loading</u> <i>Sometimes there are twin parallel ramps which create a sense of insecurity. Often require a 90 degree turn to get into position? Loading is more time consuming; important when in busy thoroughfare. Reduction in numbers of fellow passengers.</i></p>	Noted
	<i>(rear loading) are more readily available and as a consequence are likely to be less expensive thus offering encouragement to taxi drivers/firms to invest in them, which in turn would be advantageous to people with disabilities.</i>	Noted
	<i>Both forms impose a degree of risk by having to either go onto the highway in the case of rear loading and being part of a line of taxis, or to interfere with pedestrians using the pavement whilst loading and unloading from the side.</i>	Noted
1x Driver/Taxi Forum Rep	In relation to the proposal to include details of the existing wheelchair accessible vehicle list, in accordance with the Equalities Act, the comments received were;	Details of contact numbers are provided as part of vehicle application process and printed in the wheelchair accessible vehicle list. This assists wheelchair users in booking suitable taxis.

<p><i>'Wording to be added to inform the public not to ring 24/7'</i></p>	<p>We are aware that some drivers may use one phone for personal and business use, and may not wish to be disturbed when not working. For that purpose we are able to add contact times, if provided by the licensee, and include on the wheelchair accessible vehicle list, however this addition is not considered to be an issue of policy and therefore outside of the remit of the amended policy.</p>
<p>In relation to clarifying the current policy of side-only loading wheelchair accessible vehicles, and addition of <i>'Applicants wishing to licence vehicles outside of this policy should show sufficient reason for the Council to deviate from agreed policy'</i> the comments received were;</p> <p><i>'What is the change? There is no clarification, What am I voting on? Given that we are supposed to be voting on a system that has been deemed unsafe by ROSPA and various disabled groups'</i></p>	<p>This proposal has been superseded by review of the current side-only wheelchair loading policy, and is detailed in the main body of the cabinet report</p>
<p>In relation to the proposed change to clarify that PSV/HGV licence holders are exempt from medical requirements where they hold a current medical, to, state that, they will not be exempt from the council's medical requirements, the comments received were;</p> <p><i>'It was agreed that HGV & PSV medicals will be honoured providing they have 2 years and 9 months to run from the date of the intended hackney medical'</i></p>	<p>This proposed change seeks to ensure that drivers who are licensed do not drive for extended periods without a relevant medical having been conducted, for example licencing a driver for three years with only one year of a current medical being left to run.</p> <p>As such we would expect that any medical would be 'current' and run for the duration of the licence. This of course would be applied with a suitable level of discretion, for example if the applicant has a recent medical within the last few months of making a taxi application. This discretion appears reasonable, and prevents the need for a driver obtain multiple medical certificates for associated driving careers which could be considered unreasonable.</p>
<p>In relation to the number of hackney carriages and percentage of wheelchair accessible vehicles, comments received were;</p> <p><i>'The figure of 100 appears incorrect'</i></p> <p>and</p> <p><i>'which year is this 22% increase calculated from'</i></p> <p>in relation to percentage of wheelchair accessible vehicles.</p>	<p>Both of these figures provided in the final version of the draft policy have been updated based on current licensing data.</p>

	<p>Additional comments were received with respects to;</p> <ul style="list-style-type: none"> • Providing details of individual licence application decisions relating to wheelchair accessible vehicles 	<p>These comments are outside of the scope of the policy, and the need to make decisions on a case-by-case basis, with reference to current policy and guidance, has been provided to the respondent.</p>
	<p>Additional comments were received with respects to;</p> <ul style="list-style-type: none"> • Not being able to pick up blue badge holders in the town centre • The removal of raised kerbs • Customer advice for ranks only used during shopping hours (i.e. Park Mall) • The size of the South Eastern owned and managed station rank • Daytime ranks do not serve the town centre • The Bank Street rank has excessive gaps between customers/pickups. • Where does the Council consider it safe to unload using rear access ramps in the town centre • Limitation on the numbers of hackney carriages 	<p>In general, these issues are matters not directly relating to the licensing policy, but instead relate to the interaction of the taxi trade with highways and parking planning. These issues are generally more relevant for the Taxi Forum, and as such the respondent has been advised to raise the issues within that forum.</p> <p>A meeting has occurred with South Eastern and the respondent with reference to the South Eastern owned and operated station rank.</p> <p>Finally, the issue of a limitation on the number of hackney carriages is a matter of licensing policy, however at current no evidence has been provided through the taxi forum of 'no unmet demand', nor other requests for the application of such a limitation. I would again recommend that such issue be raised through the Taxi Forum for further discussion with a cross section of the licensed trade. This would require full trade support as it will have likely cost implications and implications restricting business growth. Should this matter become relevant then a further report can be presented to cabinet on the matter of limitations on taxi numbers. Such report would require significant evidence, including assessments by an appropriate external consultancies, and therefore would not viable to include in the current policy amendments.</p>
<p>Kent Police Op Willow</p>	<p><i>Thank you for sending me the taxi licensing policy. I have looked at it and think this is an excellent opportunity to mandate the training of taxi drivers in Child Sexual Exploitation / Human Trafficking Awareness. I suggest that all new drivers should receive such training before being granted a licence, and all existing licence holders receive annual refresher training. This would allow your department to 'police' licence holders, and withdraw licences from anyone found to be engaging in CSE / trafficking activity. At the present training is voluntary, and any culprit could claim that they had not been trained and did not therefore understand the subject or what their responsibilities are. Mandating the training would take away this excuse and</i></p>	<p>The proactive measures taken by Ashford's Licensing Team with respects to CSE were not included in the original proposals and for that purpose have been included in a specific section of the final version to advise of the actions taken to date.</p> <p>We have also included the ongoing actions planned to help protect this vulnerable group. This includes mandatory questions at the verbal test for all new drivers, alongside the use of suitable training media.</p> <p>In addition, we plan to hold further training for existing drivers at suitable intervals.</p>

	<p><i>allow your authority to get rid of anyone who was engaging in unlawful activity. I am happy to liaise with you to ensure that some form of training is delivered,, and we could issue certificates once training has been completed.</i></p>	<p>These elements have been included in the final draft.</p>
<p>Guide Dogs for the Blind Association</p>	<p><i>Last year I sent you a template policy on the carriage of assistance dogs in taxis and PHVs. This policy, created in consultation with the Local Government Association, suggested ways that licencing authorities could introduce best practice to help avoid assistance dog owners being refused access by taxi and PHV drivers. We produced this policy as unfortunately our 2016 survey found access refusals to be a significant problem with 42% of assistance dog owners having been refused access to a taxi or PHV in the last year.</i></p> <p><i>I understand that you have already, or were in the process of, adopting part of our policy. I was hoping to find out which aspects you had implemented? And what impact this has had?</i></p> <p><i>In the meantime, please find attached our newly updated policy on this issue.</i></p>	<p>Whilst the response has not elicited specific comment on the content of our policy, suitable elements of the Guide Dogs policy has been incorporated into the ABC policy.</p> <p>In addition, we can confirm that in early 2017 we conducted a mystery shopper exercise in conjunction with the Guide Dogs for the Blind Association, which resulted in zero refusals. We plan to repeat such exercises at suitable intervals, alongside general and wheelchair accessibility exercises</p>
<p>Kent Police (Licensing)</p>	<p><i>Thank you for sending this across to us. Having read through the document we have no specific comments to make other than to say that we support any strengthening of checks to ensure the public are protected from those who could be inclined to abuse such a position of trust.</i></p>	<p>Noted.</p>

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Equality Impact Assessment

Lead officer:	Trevor Ford
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Revision of the Taxi Licensing Policy
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	12 October 2017
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The report seeks to approve a final draft of the Taxi Licensing Policy, following revisions made as part of the public consultation. These revisions include;</p> <ul style="list-style-type: none"> • Updated number of hackney vehicles, private hire vehicles, and wheelchair accessible vehicles • Inclusions of actions taken to take child sexual exploitation (CSE) • Inclusion of actions planned for the prevention of CSE • Grammatical/formatting errors • Removal of the side-only wheelchair accessible vehicles policy <p>The aim of the update this to provide a current policy with modifications to ensure that the guidance within remains up to date and effective for the purposes of the policy.</p> <p>It is expected that members of the general public may be affected by the policy by means of access local taxi services. Businesses providing such services will also be affected as to our general approach and amendments to the relevance of prior convictions.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Research conducted as part of the revision of the policy includes;</p> <ul style="list-style-type: none"> • Updated case law • Best practice guidance • General taxi licensing research • Liaison with taxi and private hire drivers and operators via the Ashford Taxi Forum • Mystery shopper activity regarding guide dogs being allowed in vehicles • Research with disability groups, taxi groups, other licensing authorities etc. on accessible vehicles

<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Public consultation (28 day) has occurred, consisting of a policy drop-in session as well as a more formal consultation. See report for further details.</p> <p>Results included some minor changes, and also an unforeseen change with respects to rear/side loading wheelchair accessible vehicles, which elicited some further research and further consultation with relevant groups. See report for further details</p> <p>Consultation analysis did not reveal differing views between protected characteristics</p> <p>In conclusion, the decision is expected to have a positive effect on equality</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u>		
Elderly	Low	Positive - minor
Middle age	Low	Positive – minor
Young adult	Low	Positive – minor
Children	Medium	Positive - minor
<u>DISABILITY</u>		
Physical	High	Positive - Major
Mental	Medium	Positive - minor
Sensory	Medium	Positive - minor
<u>GENDER RE-ASSIGNMENT</u>	Low	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	Low	Neutral
<u>PREGNANCY/MATERNITY</u>	Low	Neutral

<u>RACE</u>	Low	Neutral
<u>RELIGION OR BELIEF</u>	Low	Neutral
<u>SEX</u>		Neutral
Men	Low	
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any 	<p>The legislative provisions relevant to this policy provides for the protection of children, access by wheelchair users and other disability groups, and suitability of the drivers/operators to operate.</p> <p>The changes as part of the updated policy are not considered to have any negative impacts on equality.</p> <p>Monitoring of the policy will be undertaken formally after five years, but will be subject to informal review as and when relevant applications are received and the policy is applied. Review may also be required should there be any change in legislation or a particular urge to change Council policy during the lifetime of the document. In addition the council's revised policy register will assist the service to meet this</p>
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<p>residual impacts are justified.</p> <ul style="list-style-type: none">• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?	
<p>EIA completion date:</p>	<p>29th August 2017.</p>

Taxi Licensing Policy

2017 - 2022



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Contents

1.	Executive Summary of Main Proposals.....	3
2.	Definitions	3
3.	Background	4
4.	Introduction	6
5.	Vehicles - (Hackney Carriage & Private Hire)	6
6.	Drivers - (Hackney Carriage & Private Hire).....	16
7.	Private Hire Operators.....	21
8.	Disciplinary and Enforcement Measures.....	23
9.	Delegated Powers	24
10.	Fares & Fees.....	26
11.	Taxi Ranks	27
	Appendix A - Vehicle Specification and Schedule of Conditions.....	29
	Appendix B - Vehicle Licensing Procedures	43
	Appendix C - Conditions for Private Hire Limousines & Speciality Vehicles ..	45
	Appendix D - Driver & Operator Licence Procedures.....	49
	Appendix E - Guidelines Relating to the Relevance of Previous Convictions	54
	Appendix F - Hackney Carriage Byelaws.....	70
	Appendix G - Private Hire Drivers Licence Conditions.....	75
	Appendix H - Code of Conduct for Licensed Drivers/Operators.....	78
	Appendix I - Private Hire Operator's Licence Conditions	81
	Appendix J - Taxi Licensing Enforcement Policy and Procedure	85
	Appendix K - Penalty Points System.....	92
	Appendix L - Dress Code.....	99

1. Executive Summary

- 1.1 This policy contains information about legal requirements, government guidance, Council policy, procedures and standards relevant to hackney carriage and private hire licensing.

2. Definitions

Throughout this document:

- “The Council” or “The Authority” means Ashford Borough Council
- “Vehicle” or “Licensed Vehicle” means both a hackney carriage and private hire vehicle
- “Hackney carriage” means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- “Private hire vehicle” means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
- “Private hire operator” means a person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake
- “The DfT” means the Department for Transport, including previous names under which that Department has been known
- “The DfT Guidance” means The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010
- “The Committee” will mean the Licensing and Health and Safety Committee of the Council
- The word “Taxi” has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles
- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency

3. Background

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.2 Aims

3.2.1 The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the Council’s hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The hackney carriage and private hire industry within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the industry’s existing strengths and on the 2012 policy.

3.3 Licensing Profile

3.3.1 The Council currently licenses 100 hackney carriages and 97 private hire vehicles. There are 360 private hire and joint private hire/hackney drivers licensed by the Council.

3.4 Review of Policies & Practices

3.4.1 The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Ashford.

3.4.2 This guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance.

3.5 Best Practice Guidance & Legislation

3.5.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales.

- 3.5.2 In 2006 the DfT produced a Best Practice Guidance to assist local authorities with the regulation of the hackney carriage and private hire trades. It was directed at local authorities in England and Wales to “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There was recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
- 3.5.3 In 2010 the DfT’s Guidance was updated and this policy revision takes the 2010 version in to account.
- 3.5.4 This document also takes account of the legislative basis of the Council’s taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.
- 3.5.5 Other guidance, such as that associated with legislative amendments under the Equalities Act 2010 and Immigration Act 2016 have been taken into account. This is in addition to other good practice guidance such as the Local Government Association guidance on the relevant of criminal convictions and the Guide Dogs for the Blind Association guidance on taxi access for the visually impaired.

3.6 Costs and Benefits of Licensing Policies

- 3.6.1 The Guidance stresses that licensing requirements that are unduly stringent are likely to unreasonably restrict the supply of hackney carriage and private hire services, by increasing the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are, therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.
- 3.6.2 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public, for example, through increased safety.

4. Introduction

4.1 Powers and Duties

4.1.1 This revised statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

4.1.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run and responsible businesses that display sensitivity to the wishes and needs of the general public.

4.2 Policy Status

4.2.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document.

4.2.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

4.2.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. The Council may need to consider applications outside the policy.

4.2.4 This policy took effect on **TBC** and will remain in existence for a period of five years, during which it shall be kept under review and revised as appropriate.

5. Vehicles - (Hackney Carriage & Private Hire)

Limitation of Numbers

5.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is

unmet". In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Council had been reasonably satisfied that there was no significant unmet demand.

- 5.1.2 Many Councils do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles.
- 5.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.
- 5.1.4 If the Council were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey.
- 5.1.5 The Council does not intend to set a limit on the number of hackney carriages that it licences, since no evidence has been provided of any difficulty arising from this stance. However, all new licences are issued to wheelchair accessible vehicles only.

5.2 Specifications and Conditions

- 5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles.
- 5.2.2 The DfT Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice, which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.
- 5.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built hackney carriages, with the strict constraint on supply that that implies. Councils are however encouraged to make use of the "type approval" rules within any specifications they determine this is explained in more detail elsewhere in this policy.

5.2.4 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The council has adopted minimum standards as set out in Appendix A, which it will normally apply in respect of all licensed vehicles.

5.2.5 Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose built vehicles are amongst those, which the Council will licence only as hackney carriages in view of the possible confusion in the minds of the travelling public between the two types of vehicle.

5.3 Accessibility

5.3.1 The Government is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. While the Disability Discrimination Act (DDA) 1995 and the Equalities Act 2010 allow regulations to set standards for wheelchair accessible taxis.

5.3.2 The Disability Discrimination Act and Equalities Act places certain duties on licensed drivers to provide assistance to people in wheelchairs, to carry them safely and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution and a maximum fine of £1,000.

5.3.3 A list of all wheelchair accessible vehicles will be maintained in accordance with section 167 of the Equalities Act 2010 on the licensing team webpage. This will place a duty on the drivers of the listed vehicles to comply with the requirements under section 165 of said Act. This list will be periodically updated based on the details given at the time of vehicle licensing.

5.3.4 Since the introduction of new granting hackney carriage vehicle licences to wheelchair accessible vehicles, the current proportion of such vehicles stands at 18% (not including wheelchair accessible private hire vehicles).

5.3.5 Until further regulations are introduced, it will remain for individual licensing authorities to determine their accessibility policies in consultation with the local trade and disabled people.

5.3.6 It is arguable that different accessibility considerations should apply as between hackney carriage and private hire vehicles in that customers dealing directly with the driver can hire hackney carriages on the spot, whereas private hire vehicles can only be booked through an operator. It is considered particularly important that a disabled person should be able to hire a hackney carriage on the spot with the minimum of delay or inconvenience and having accessible hackney carriage vehicles available helps make that possible.

5.3.7 The policy set out at 5.1.5 above in respect of the limitation on numbers, is specifically designed to encourage new taxis to be accessible in that every new hackney vehicle license plate issued must be wheelchair accessible. Any requirements to provide such access for private hire vehicles are considered less appropriate and in this case private hire operators will simply be encouraged to offer accessible vehicles within their fleet. The Vehicle Specification at Appendix A indicates what is to be required in respect of wheelchair access for those vehicles which have been adapted or constructed for this purpose.

5.4 Maximum Age of Vehicles

5.4.1 The Council has an age restriction on licensed vehicles, (see Appendix A), but all applications for the licensing of vehicles will be treated on its individual merit however the following conditions have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show sufficient reason for the Council to deviate from agreed policy.

5.5 Vehicle Testing

5.5.1 No vehicle may be used as a hackney carriage or private hire vehicle unless it has been given a certificate of compliance in respect of a satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the licence holder. These inspections are to be carried out by a garage appointed by Ashford Borough Council.

5.6 Signage & Advertising

5.6.1 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

5.6.2 It is possible to prohibit private hire vehicles from displaying any identification at all apart from the Council's licence plate or disc. Some

clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a private hire vehicle operator to be able to state on the vehicle the contact details for hiring.

- 5.6.3 What is permitted, or indeed prohibited, to be displayed on either hackney or private hire vehicles in a particular borough tends to be a controversial area of licensing controls with little or no apparent consensus between licensing authorities.
- 5.6.4 Within the Council's area, both hackney carriages and private hire vehicles are required to display a licence plate on the rear of the vehicle and the plates are different colours to distinguish one type from another. This is a key feature in helping to identify vehicles that are properly licensed.
- 5.6.5 In view of the above details, all hackney carriages licensed by the Council must carry illuminated roof-mounted sign indicating they are a taxi and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, private hire vehicles must not carry roof-mounted signs of any kind, and they must have no signs (roof-mounted or otherwise) using the words "Taxi", "Hackney", "Cab", or "For Hire".
- 5.6.6 Limited advertising giving details concerning the proprietor's or operator's private hire business will be permitted, but this will be strictly controlled so that confusion between private hire and hackney carriage vehicle is kept to the minimum.
- 5.6.7 Private hire vehicles in the borough are permitted to display signs that indicate that they are for private hire only and are not insured for other uses.
- 5.6.8 Private hire vehicles are permitted restricted first party advertising subject to the following restrictions:
- the advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words "ADVANCE BOOKING ONLY" OR "PRIVATE HIRE ADVANCE BOOKING ONLY". It can include the proprietor's company name, logo, website, email address or telephone number
 - the advertising material shall not contain the words "TAXI", "HACKNEY", "CAB" or "FOR HIRE". This restriction includes the

use of these words within the proprietor's company name, log, website or email address

- the advertising material shall be non-reflective
- nothing shall be advertised which might reasonably cause offence to members of the public
- requests to allow third party advertising will be considered on a case-by-case basis, as will any signage related to accredited awards for best practice and membership of professional organisations

5.6.9 Private hire vehicles are not permitted to display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material.

5.6.10 The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith.

5.6.11 Full livery third party advertising if desired is permitted on hackney carriage vehicles in the Borough. This is subject to the following conditions:

- Nothing shall be advertised which might cause reasonable offence to members of the public
- The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith

5.7 Exemption from displaying plates

5.7.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge issued by the Council at all times. The same legislation also permits a Council to exempt the display of licence plates and, where that exemption applies, the requirement to wear a private hire driver's badges does not apply.

5.7.2 The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions when the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles is a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. The

display of the Council's licence plates externally may also deter some customers from using the service.

5.7.3 It is not intended that all private hire vehicles should have access to this exemption. Only a small minority operating the type of service described above. To that end it is only considered appropriate to consider issue of exemption notices where the following requirements are met:

- The vehicle to be exempted is of a high quality both in terms of brand and condition
- Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered
- Vehicles will display a disc, issued by the Council, in the front windscreen
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim

5.8 Security & Closed Circuit Television (CCTV)

5.8.1 The DfT Best Practice Guidance recommends licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

5.8.2 The Council will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

5.8.3 If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers. We would also recommend attention be paid to guidance issued by the Information Commissioners Office with reference to CCTV installations and data retention.

5.9 Application Procedures

5.9.1 The Council requires that applications must be made on a specified application form in accordance with the application procedure set out in Appendix B.

5.10 Consideration of Applications

5.10.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

5.11 Grant and Renewal of Licences

5.11.1 Hackney carriage and private hire vehicle licences will be granted for 12 months. However, a licence may be granted for a shorter period, should this be appropriate in the circumstances.

5.11.2 Council Officers will send a reminder letter to the current taxi proprietor or operator two months before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications, but the responsibility to ensure a vehicle is licensed remains with the proprietor or operator.

5.11.3 Officers may only accept complete applications comprising of all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

5.11.4 The licence fees payable are subject to annual review and will be published together with other Council licensing fees.

5.12 Environmental Considerations

5.12.1 The DfT Guidance suggests that licensing authorities, in discussion with those responsible for environmental health issues, may wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the Council may have adapted.

5.12.2 The impact of any standards should be carefully and thoroughly assessed, for example the effect on the supply of taxis and private hire vehicles in the area, to ensure the benefits of any policies outweigh the costs.

5.12.3 As part of the consultation those responsible for environmental health issues will be asked for their views.

5.12.4 At present there are no local emission controls applicable in the Council's area. If however, the Council declares an Air Quality

Management Area in any part of the Borough and especially where national air quality standards have been breached as a result of vehicle emissions, local vehicle emission controls might be brought in as part of that plan.

- 5.12.5 In the event that local emission controls were to be required by an Air Quality Action Plan the Council would review its policy on emission standards for licensed vehicles accordingly.

5.13 Stretched Limousines & Speciality Vehicles

- 5.13.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. Their use generally includes all private hire work plus special occasions such as stag and hen parties and children's birthday parties. Speciality vehicles may include vintage and themed vehicles.
- 5.13.2 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive) and each application will be considered on its merits.
- 5.13.3 The Vehicle and Operator Services Agency (VOSA) have recently introduced the Individual Vehicle Approval (IVA) inspection regime, which verifies that a converted vehicle is built to certain safety and environmental standards. It is proposed that this standard is required from all limousine and specialty vehicles that do not meet the standard vehicles standards.
- 5.13.4 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met (see Appendix C).
- 5.13.5 The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

5.14 Contract Vehicles

- 5.14.1 Effective from January 2008, the Road Safety Act 2006 has repealed section 76 of the Local Government (Miscellaneous Provisions) Act 1976, removing the exemption to be licensed as a private hire if working under a contract. The implication is that additional vehicles will

require licensing. While the Courts will provide the definitive interpretation of the law, Ashford Borough Council is following guidance issued by the Department of Transport in relation to definitions of private hire vehicles that will require licensing. Organisations that may be affected by the changes described above should also consider seeking their own independent legal advice.

5.15 Funeral Vehicles

5.15.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

5.16 Wedding Vehicles

5.16.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

5.16.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

5.17 Courtesy Cars

5.17.1 All vehicles with 8 or less seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council, as should their “operator”.

5.17.2 Those operating “courtesy cars”, i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and the driver must be appropriately licensed.

5.18 Livery

5.18.1 Some Councils require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this Council’s area. It is felt that that the visual distinction between hackney carriages and private hire vehicles can be achieved by the appropriate signage (see Appendix A). The Council does not require that licensed vehicles be

finished in a special livery or appearance, notwithstanding requirements set out in section 5.6.

6. Drivers - (Hackney Carriage & Private Hire)

6.1 Parallel Procedures

6.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

6.2 Licensed Drivers' Licences

6.2.1 This Council issues private hire drivers licences which permits that person to drive only private hire vehicles, and also a joint hackney carriage/private hire drivers licence that permits that person to drive both private hire vehicles and hackney carriages.

6.3 Age and Experience

6.3.1 The Guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory age for holding a full driver's licence are inappropriate, advising that applicants should be assessed on their merits. The Council will not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification experience of one year is required.

6.4 Testing

6.4.1 Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix D and in the applications packs.

6.5 Driving Proficiency and Qualifications

6.5.1 New applicants will be expected to have passed a suitable driving assessment specifically designed for hackney carriage and private hire drivers and carried out in accordance with the DVSA DT1 guidance on driving tests.

6.6 Medical Examination

6.6.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and subsequent renewals. The Council has adopted the relevant DVLA

medical standard i.e. 'Group 2'. This is the standard applied to the licensing of lorry and bus drivers and is considered to be best practice.

- 6.6.2 A medical examination by a GP, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers will be required.
- 6.6.3 A request form for a medical examination, which may be presented to the applicant's GP, is obtainable from the Council. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report must be submitted to the Council.
- 6.6.4 Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined every six years until 45 years of age, then every three years between 45 and 65 years of age. Annual medical checks will be required for those over 65 years of age. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.
- 6.6.5 Holders of current passenger carrying vehicle and/or large goods vehicle licences will not be exempt from the Council's medical requirements in 6.6.4.
- 6.6.6 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.
- 6.6.7 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor.
- 6.6.8 Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available.

6.7 Disclosure Barring Service (DBS) Disclosures

- 6.7.1 A criminal record check on a driver is an important safety measure and the Council requires new drivers to apply for an enhanced criminal records disclosure as part of the application process and for renewing drivers to repeat the application every three years.
- 6.7.2 It is the Council's view, supported by the taxi trade, that the public expects all reasonable precautions to be taken when determining whether to grant a licence to drive a hackney carriage or private hire and, as drivers are exempt from Rehabilitation of Offenders Act 1974;

an Enhanced Disclosure will be the requirement for new drivers and for those renewing their licences.

- 6.7.3 Private Hire Drivers are obliged within 14 days to report all new convictions, official cautions, and fixed penalty notices to the Council. A similar declaration is required as part of the annual licensing process in respect to both private hire and hackney carriage drivers.
- 6.7.4 Before an application for a driver's licence will be considered, the applicant must submit an application for an Enhanced Disclosure of criminal convictions.
- 6.7.5 If a person applying for an Enhanced Disclosure has not lived in the UK for five years, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the Embassy(ies) for the country(ies) in which the applicant has been living for the last five years.
- 6.7.6 The Council is an approved Disclosure Barring Service body. Therefore applicants can deal with the Disclosure Barring Service through the Council.
- 6.7.7 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties, except in accordance with the Data Protection Act. The applicant for an Enhanced CRB disclosure will be sent a separate disclosure report to their home address. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.

6.8 Relevance of Convictions and Cautions

- 6.8.1 The Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, dishonesty and sexual offences. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.
- 6.8.2 Guidance in relation to offences is given in Appendix E. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.
- 6.8.3 A DVLA driver endorsement check will be required upon applications for new or renewal of driver licence applications, to ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. The check will be made on an annual basis

and the fee for the endorsement check will be incorporated into the application fee.

6.9 Application Procedure

6.9.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure adopted by the Council is set out in Appendix D.

6.9.2 Council officers will send a reminder letter to drivers eight weeks before their existing licence expires in order to assist applicants in their prompt submission of re-licensing applications. Drivers should ensure renewal applications are received by the Council a month in advance to ensure that licences can be processed and issued. Applications received after this date will be rejected and a new application will be required. Responsibility for ensuring renewal applications are made in time remains with the licence holder.

6.10 Grant and Renewal of Licences

6.10.1 The DfT Guidance recognises that it is important, for safety reasons, that drivers should be licensed but advises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period allowed for a licence and advocated as best practice.

6.10.2 Drivers' licences are issued for up to three years up until the age of 65, then on an annual basis.

6.10.3 The Guidance states some drivers may prefer an annual licence. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. It is considered good practice to offer drivers the choice of an annual licence or a three-year licence.

6.10.4 The Council will issue licences for up to three years, but will take special circumstances on board if licences for one year are requested.

6.11 Conditions of Licence

6.11.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

6.11.2 Hackney carriage drivers are subject to the Council's byelaws (see Appendix F) and joint licence holders are subject to the private hire driver's conditions.

6.11.3 It is considered that the conditions set out in Appendix G are reasonably necessary and appropriate for private hire drivers.

6.12 Code of Conduct & Dress Code

6.12.1 The Council adopted a Code of Good Conduct for hackney carriage and private hire drivers in 2008 to ensure drivers were aware of the law, minimum standards of behaviour and dress. The Code is in Appendix H. The Council has also introduced an enforceable Dress Code to promote the professionalism of the drivers and to present an acceptable state of attire to visitors and residents of the Borough. The Dress Code is in Appendix L.

6.12.2 Failure to comply with any aspect of the Code of Good Conduct or Dress Code may be addressed as part of enforcement action and as a result the penalty point system has been amended. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

6.12.3 The Council believed that steps that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles as vocational drivers is to be welcomed.

6.13 Child Sexual Exploitation (CSE) Awareness

6.13.1 Whilst CSE training is not yet a formal legal requirement for the taxi trade, the Licensing team in association with colleagues from Kent Police, have run a number of voluntary CSE awareness sessions for the existing licensed drivers. This prompted approximately 20% of the licensed drivers to attend the free training which will also be run periodically to increase awareness of this subject within the existing licensed trade.

6.13.2 In addition to training for existing drivers, CSE awareness will be raised at all verbal tests for new drivers by means of suitable media provided by specialist colleagues. Questions will be asked of the applicant to check understanding of this issue, and where needed feedback will be given for the purposes of increasing awareness.

6.13.3 This evolving area will be kept under review and appropriate actions will be taken as and when applicable, for example inclusion of taxi specific CSE leaflets into new and renewal application packs etc.

7. Private Hire Operators

7.1 Requirements & Obligations

7.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence. The objective in licensing private hire operators is the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them. But again, best practice, in respect of the controls required over private hire operators, is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

7.1.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

7.1.3 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold such a licence.

7.2 Criminal Record Checks

7.2.1 As private hire operators (as opposed to private hire vehicle drivers) are not exempt in respect of the Rehabilitation of Offenders Act 1974, a current (less than 1 month old) certificate from the Disclosure Barring Service or a Certificate of Good Conduct from the relevant embassy for overseas applicants will be required. A reference, covering for example the applicant's financial record, may also be required.

7.3 Conditions

7.3.1 The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions set out in Appendix I are those considered to be reasonably necessary.

7.4 Record Keeping

7.4.1 Operators are required to keep records of each booking to, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.

7.4.2 Operators must keep records in respect of all bookings, vehicles and drivers, for a period of one year. See Appendix I for more details.

7.5 Insurance

7.5.1 The Council will check that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

7.6 Licence Duration

7.6.1 Private hire operators' licences are granted for a five-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

7.6.2 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to their fleet above that number then an amendment would need to be applied for.

7.6.3 Holders of existing licences will normally be reminded, in the month preceding their expiry, when their licences are due to be renewed. However it remains the responsibility of the licence holder to renew their licence.

7.7 Address from which an Operator may operate

7.7.1 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and where bookings are made. The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

7.7.2 The operator must notify the Council in writing of any change of their address, (whether this is a home address or the address from where they operate) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

7.7.3 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a private hire operators licence will not imply that such consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.

8. Disciplinary and Enforcement Measures

8.1 Enforcement

- 8.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.
- 8.1.2 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is necessary and proportionate to do so.
- 8.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at Appendix J will be used to ensure that its enforcement effort is reasonable, transparent and well directed.

8.2 Disciplinary Hearings

- 8.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Licensing and Health and Safety Committee or dealt with by Officers. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

8.3 Penalty Points Scheme

- 8.3.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
- 8.3.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or byelaws adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken, by Council Officers, in their application.

8.3.3 The Council has found that an effective means of applying the conditions at a local level is through a penalty points scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain “live” for a period of a year (drivers and proprietors) or two years (operators) from the date they are imposed so that only points accumulated in, for example, a rolling 24 months period are taken into account. If a driver, proprietor or operator accumulates, twelve or twenty four (as appropriate) more points within a period of two years from the date they are imposed, they would then be brought before the Committee, who have a range of options open to them, depending on the circumstances.

8.3.4 It is believed that the introduction of a penalty points scheme has assisted the trade in maintaining its high standards. The Penalty Points System does not however compromise the Council’s ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action. A copy of the revised penalty points system can be found in Appendix K.

8.4 Range of Powers

8.4.1 The Council may take steps, upon receipt of evidence that an offence has been committed in relation to a hackney carriage, private hire or operator’s licence. A breach of a condition Hackney Carriage and Private Hire Licensing Policy Statement amounts to an offence in this context. Details of the Council’s taxi enforcement policy are in Appendix J.

9. Delegated Powers

9.1 Licensing and Health & Safety Committee

9.1.1 The Licensing and Health and Safety Committee of Ashford Borough Council is responsible for the management of the hackney carriage and private hire licensing regime in the borough.

9.2 Delegated Functions

9.2.1 The Committee has delegated responsibility for exercising the Council’s functions in respect of the following:

- Sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and as to private hire

vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

- Power to licence drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- Power to licence operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

Accordingly it will deal with applications and disciplinary matters referred to it by Licensing Officers.

9.2.2 The Council's Head of Health, Parking and Community Safety has delegated responsibility, in so far as it relates to hackney carriage or private hire, in respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) for: -

- Deciding applications for authorisations, registration, consents, licences or certificates of approval
- Serving notices and take consequential action, including carrying out work in default
- Issuing simple cautions
- Recommending the institution of legal proceedings
- Authorising officers to exercise statutory functions

9.2.3 The Head of Health, Parking and Community Safety may further delegate the power to grant or suspend refuse or revoke licenses. Licensing Officers are permitted to issue oral and written warnings, and cautions and may instigate prosecutions wherever appropriate.

9.2.4 In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a licence or by any conditions imposed on a licence the applicant has a right of appeal to the Council's Appeal Committee and to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

10. Fares & Fees

10.1 Fares - General

10.1.1 Councils have the power to set taxi fares for journeys within their area (there is no power to set fares for private hire vehicles). The DfT sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. It suggests that in doing so authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service at the times when it is needed. It recognises that there may well be a case for higher fares at times of higher demand.

10.1.2 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. Such negotiations are, however to be discouraged at ranks or for on street hailings as they could lead to confusion and arguments.

10.2 Fares - Prescribed rates

10.2.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

10.2.2 There are however, no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

10.2.3 It is not proposed to introduce provisions that would prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

10.4 Fares - Review

10.4.1 Fares rates are reviewed no more than once per year between December and February with any change agreed being implemented in April or May.

10.5 Receipts

10.5.1 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

10.6 Licence Fee Structure

10.6.1 The guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will, so far as possible be met from fee income. It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles.

10.6.2 The fees payable for the grant and renewal of hackney carriage and private hire licences will be reviewed annually as part of the budgetary process and a public notice will be placed in the local newspaper. Licence holders will be notified of any changes and the current scale of fees will be supplied to new applicants at the time of application.

11. Taxi Ranks

11.1 Appointed Ranks

11.1.1 A number of ranks for hackney carriages have been designated within the Ashford Borough Council area and these are listed below:

Park Street (Upper)	Rank for 9 cars
Park Street (Lower)	Rank for 8 cars
International Station	Rank for 7 cars
Domestic Station	Rank for 2 cars plus feeder rank
Tufton Street	Rank for 2 cars
Bank Street	Rank for 4/5 cars
High Street (Lower)	Rank for 5/6 cars – only in operation when area in evenings & Sundays
High Street (Upper)	Rank for 3 cars – subject to Traffic Regulation Order
Drum Lane	Rank for 2/3 cars – subject to Traffic Regulation Order

11.2 Waiting on Stands

11.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

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Appendix A - Hackney Carriage & Private Hire Vehicles Specification and Schedule of Conditions

1.1 Introduction

- 1.1 The following details specify the minimum standard requirements for vehicles licensed for hire or reward by Ashford Borough Council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by Licensing Officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Council. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the policy.

1.2 Vehicle Safety Certification

- 1.2.1 To ensure that all vehicles licensed by Ashford Borough Council are of a recognised safety standard all licensed vehicles must be certified by the Vehicle Certification Agency (VCA) to one of the standards listed below. The vehicle must be M1 classified i.e. it was built to be a passenger carrying vehicle.

1.3 EC Whole Vehicle Type Approval

- 1.3.1 EC Approval of most road vehicles is based around “whole vehicle” framework directive and this specifies the range of approximately 50 aspects of the vehicle that must be approved including testing of brakes, seats, emissions etc. This is regarded as the highest standard of safety, and 98% of all passenger cars entering service in Great Britain are type approved to meet harmonised European standards.

1.4 UK Low Volume Type Approval

- 1.4.1 Low volume type approval is a special scheme to enable vehicles made in small numbers to be registered in the UK. The operation of the scheme has been tailored to suit the needs of the smaller manufacturer. Under this Type Approval system, a prototype is tested. If it meets the requirements and the production arrangements also pass conformity inspection, then vehicles of the same type can be sold and registered without each one having to be tested and inspected. This approval currently represents “best practice” for taxi converters. Many taxi conversions are available, some wheelchair accessible, manufactured under Low Volume Type Approval. These vehicles meet the highest safety standards available.

1.5 Individual Vehicle Authorisation

1.5.1 This approval is also for individual vehicles that do not have European Type Approval. However, as well as the visual examination carried out on the vehicle, additional documentary evidence that the vehicle complies with the Type Approval standards has to be produced. The Vehicle Inspectorate can accept an equivalent standard certificate by or on behalf of a foreign authority, or can do a comparison between two vehicles to satisfy themselves that the vehicle meets this standard. Some destructive tests are done on one vehicle and then every other vehicle of this make is given a visual inspection to check that it is of the same vehicle construction as the one that was destructively tested. From October 2003 evidence of crashworthiness has also been required.

1.6 Other Vehicle Requirements

1.6.1 When licensing hackney carriage and private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity has also been considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should normally be of manufacturers' original specification and shall be constructed and designed: -

- For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger
- With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part
- Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road
- With a minimum power output equivalent to 90 BHP
- To have windows to the side and rear providing natural light to passenger compartment
- If the vehicle is LPG converted, the vehicle must be registered on the UK LGP register or equivalent to demonstrate that the work was been conducted by a competent and safe installer.

1.7 Compliance Testing

1.7.1 As well as holding a suitable approval certificates (see Vehicle Certification above), all vehicles must be submitted for inspection and certified fit for public use, before the issue of a licence. Within the Borough of Ashford, this is known as Compliance Testing and is required every 6 months for every licensed vehicle after initial testing. It is the proprietor's responsibility to present the vehicle for inspection and testing by or on behalf of the Council at such time and at such place within the Borough as the Council may by notice reasonably require.

1.8 Licence Plate

1.8.1 The proprietor must ensure that the licence plate provided and allocated to them by Ashford Borough Council is maintained in a clear and legible condition and is affixed to the outside of the Carriage, on or adjacent to the rear bumper or in such other position as may be approved by the Council. Also;

- The Council must be informed should the licence plate be lost broken or defaced
- The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible
- The Proprietor must notify the Council of any change of address forthwith
- The Proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements

1.9 Licence

1.9.1 The licence must be kept in the possession of the Proprietor and be produced on request to an authorised officer of the Council, or any Police Officer. Also;

- In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued
- On revocation, expiry, transfer or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon service of a notice on the Proprietor

- The licence must not be altered or defaced in any way
- The proprietor must notify the Council of any change of address forthwith
- The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements

1.10 Ownership and Insurance

1.10.1 The proprietor shall ensure that the vehicle is not be used in the district unless there is in force in relation to the vehicle a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the Carriage of passengers for hire or reward. The Certificate of Insurance must be produced upon request by an authorised officer of the Council, or by a Police Officer. On renewal of the policy, a copy should be lodged with the Council at the earliest opportunity.

1.11 Age

1.11.1 Vehicles will not normally be accepted for licensing, or continue to licensed, after seven years from the date of their first registration. Certain purpose built taxis (those vehicles whose DVLA registration document the states the model as “taxi”) will be accepted for licensing up to ten years from first registration, providing their mechanical condition and appearance is satisfactory.

1.11.2 Where the age of a vehicle is not identifiable, the age will be calculated as three years old at the date of registration in line with the policy of the DVLA.

1.11.3 Extensions may be given to vehicles older than 7 or 10 years (as appropriate) upon renewal, but this will be assessed on a case-by-case basis. Extensions will be given for up to one year and consideration will only be given to vehicles with no visible defects, dents or blemishes to the external bodywork or internal trim.

1.12 Doors

1.12.1 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.13 Seating

1.13.1 Seating in saloon and estate cars does not normally create concern. Multi-purpose vehicles (MPV's) or people carriers offer a bewildering number of seat configurations often to match the owner's needs. In the interests of the safety of the passengers it is necessary to examine these seating arrangements to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle. If MPV's or people carriers have individual seats, it may be necessary to remove a second row middle seat to permit improved access to the rearmost seats. This however would reduce the maximum permissible passengers by one. Alternatively, in the event of an emergency, passengers should be able to exit the vehicle through the rear and emergency brake glass hammers must be fitted.

1.13.2 Therefore:

- The passenger carrying capacity will be at the discretion of the Council
- The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimetres, 16 inches per person)
- All seats must be fitted with fully operational seat belts
- The number of passenger seats must remain as stated on the vehicle licence
- There must be no alteration to the seating configuration without notifying the Council
- All seats must be forward or rear facing
- All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers
- The seat covering must be clean and in a good state of repair

1.14 Maintenance, Appearance and Condition of the Vehicle

The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
- Be tidy
- Be clean

- Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply
- The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council

1.15 Tyre Safety

1.15.1 In view of the high mileage covered by Hackney Carriage and Private Hire vehicles and the interval between examinations, the depth of tyre tread on all vehicles must be a minimum of 2mm.

1.16 Exterior Appearance

1.16.1 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

1.17 Interior Appearance

1.17.1 The interior of the vehicle should always be in a clean and tidy state and fit for purpose.

- Carpets, upholstery and cloth trim are to be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition
- All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage
- All doors, locks and windows are to be in full working order and in good condition
- All interior lights and fascia illumination are to be in full working order and in good condition
- All windows are to be kept free of dirt, grime and marks
- Boot space/luggage areas to be kept clean and vehicle equipment properly stowed

1.17.2 If in the opinion of the Council, a vehicle is in such a condition internally or externally as to render its use by the public as undesirable, the Council shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle until the Council

has re-inspected the vehicle and confirms that it has been brought to a standard suitable for public use.

1.18 Tinted Glass

1.18.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable with reference to the Road Vehicles (Construction and Use) Regulations 1986, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

1.19 Fire Extinguisher & First Aid Kit

1.19.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.

1.20 Accidents

1.20.1 In the event of a vehicle being involved in an accident, the Proprietor must inform the Council as soon as reasonably practicable and, in any case within 72 hours of any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. If the damage to the vehicle is such that the Council reasonably considers the damage to be extensive enough to seriously affect the general appearance and/or use of the vehicle and so notifies the Proprietor, the vehicle shall immediately be withdrawn from service and shall not be used until such time as the permanent repairs are completed and a compliance test conducted.

1.21 Accessible vehicles

1.21.1 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus

- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of a wheelchair
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off

1.21.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

1.21.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor/operator shall ensure that the driver has received sufficient training to load, secure and convey wheelchair users.

1.21.5 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. To ensure that the Equality Act 2010 is upheld, the licensing authority will have a zero tolerance policy to access refusals investigating all reported violations of the Act with a view to pursuing a conviction.

When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

It is best practice for drivers to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licensing Authority will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

1.22 Luggage in Estate Cars

1.22.1 Estate cars cause a safety concern when stacking luggage in the vehicle causing a potential danger to passengers in the event of harsh braking or an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

1.21.2 In the case of rear access wheelchair loading, the design of the vehicle should ensure that there is an emergency escape provided by side doors and a gangway or foldable/removable seats.

1.23 Roof racks and roof mounted luggage boxes

1.23.1 These offer convenience that has to be balanced with safety. Most roof-mounted devices have weight limits. These are set to ensure the weight carried on the roof or the luggage boxes does not significantly alter the vehicle's driving characteristics by changing the vehicle's centre of gravity. If weight is added to the roof of a vehicle beyond a manufacturer's recommendation, the centre of gravity is moved upwards and vehicle may become unstable. Therefore as the permissible weight for roof racks and luggage boxes varies from vehicle to vehicle, it is recommended that any Proprietor who wishes to use either must apply to the Council for permission. The Licensing Officer will then make the necessary enquiries, and the licence shall be amended to show the maximum permitted weight.

1.24 Trailers

1.24.1 Trailers may also be used as a means of carrying luggage. There are no British Standards that define the specification requirements of trailers or a specific British Standard that defines how they may be tested for roadworthiness but they are subject to The Road Vehicles (Construction and Use) Regulations 1986. Common sense dictates that if the towing vehicle is regulated by the Council it would follow the any towed trailer should be the same. Therefore any authorised trailer should be presented for compliance check at same time as the licensed vehicle to ensure that it is roadworthy. All vehicles have a maximum permissible towing weight, and this differs as to whether the trailer has its own braking system or not. It is recommended that any Proprietor who wishes to use a trailer must apply to the Council. The Licensing Officer will make the necessary enquiries, which may require the vehicle and trailer being examined to establish its towing weight, and the vehicle licence amended to show this.

1.25 Taximeters

1.25.1 The proprietor of a hackney carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound working condition at all times. The taximeter shall be set for up to the current maximum tariff agreed by the Council and no unauthorised adjustment of the meter shall be made. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

1.25.2 The taximeter shall:

- Be of the clock calendar type or an approved taximeter and charge no more than the wording of the Councils current maximum fare tariff
- Not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered
- Show the fare recorded on the taximeter in plainly legible figures, and the word "FARE" shall be clearly displayed so as to apply to such figures
- Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary

1.25.3 A private hire vehicle may also be fitted with a taximeter, approved by the Council, at the discretion of the Proprietor.

1.25.4 The taximeter shall: -

- Be of the clock calendar type or an approved taximeter and charge no more than the wording of the proprietor's current maximum fare tariff
- Not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered
- Show the fare recorded on the taximeter in plainly legible figures
- Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary

1.26 Fare Tables

1.26.1 A hackney carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney

carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

1.26.2 If a taximeter is fitted within a private hire vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

1.27 Two Way Radios

1.27.1 The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

1.28 Mobile Telephones

1.28.1 Mobile telephones may only be used with a hands-free kit.

1.29 Smoking

1.29.1 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all hackney carriage and private hire vehicles are required by law to be smoke free and are also required to display the prescribed no-smoking signs and the signage must be displayed in a prominent position.

1.29.2 Hackney carriage and private hire vehicles are required to be smoke free at all times, whether they are being used for work or for private use.

1.29.3 The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 set out the persons who will have legal duties to cause any person who is smoking on a smoke free vehicle to stop smoking, namely:

- The driver
- Any person with management responsibilities for the vehicle
- Any person in a vehicle who is responsible for order or safety in it

1.30 Insurance

1.30.1 A copy of a vehicle's current valid insurance document must be kept with the vehicle and available for inspection by a Licensing Officer.

2 Conditions Relevant to Hackney Carriage Vehicles Only

2.1 A hackney carriage vehicle can only be driven by a person licensed to drive that particular type of vehicle, and that driver's licence having

been issued by the Council. A Joint Licence permits the driver to drive both types of vehicle.

- 2.2 No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the Council in relation to hackney carriages, and when any hackney carriage is so used the fare or charges shall be calculated from the point in the borough at which the hirer (or user) commences their journey.
- 2.3 The proprietor of a hackney carriage vehicle must ensure that the driver lodges their hackney carriage driver's licence with the proprietor until the driver ceases to drive for that proprietor.
- 2.4 Full livery advertising is allowed on the exterior of hackney carriages subject to the following restrictions:
- Nothing shall be advertised which might cause reasonable offence to members of the public
 - The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith
- 2.5 Hackney carriage vehicles will be issued with a device required to activate the lowering and rising of the barriers situated in restricted roads. Each device may only be used in conjunction with the hackney carriage plate that it was issued to. Furthermore;
- The device must only be used whilst the licensed vehicle is being used in conjunction with journeys associated with hire and reward, not for personal journeys
 - It is the proprietor's responsibility to ensure the device is fitted to the licensed vehicle
 - The device must not be transferred to any alternative vehicle without the prior approval of the Council
 - On revocation, non-renewal or suspension of the licence, the device must be returned to the Council for deactivation
 - Damage to (or theft of) any device must be reported to the Council without delay
 - The licence holder will allow a Licensing Officer to inspect and if necessary remove the device at any reasonable time upon written or verbal notice
 - The issuing of a replacement device may incur a fee

2.6 Hackney carriages shall be fitted with an approved roof sign which: -

- Indicates that they are a taxi
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, is positioned in the centre of the roof

3 Conditions Relevant to Private Hire Vehicles Only

3.1 No vehicle will be accepted for licensing as a private hire vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a hackney carriage. For this reason, any operator intending to provide private hire services should avoid vehicles, which are recognisable as purpose built "London style" cabs, or similar vehicles.

3.2 A private hire vehicle can only be driven by a person licensed to drive that particular type of vehicle, and that driver's licence having been issued by Ashford Borough Council. A Joint Licence permits the driver to drive both types of vehicle.

3.3 The operator of a private hire vehicle must ensure that the driver lodges their private hire driver's licence with the proprietor until the driver ceases to drive for that proprietor.

3.4 Private hire vehicles will not be permitted to display any type of roof sign.

3.5 Private hire vehicles are only permitted to display on the outside or inside of the vehicle the following:

- Vehicle licence plate
- Approved Kent County Council (KCC) School Transport Sign when operating in conjunction with school contracts
- Any other thing required to be displayed by law

3.6 Private hire vehicles are permitted restricted first party advertising subject to the following restrictions:

- The advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words "ADVANCE BOOKING ONLY" OR "PRIVATE HIRE ADVANCE BOOKING ONLY". It can

include the Proprietor's company name, logo, website, email address or telephone number

- The advertising material shall not contain the words "TAXI", "HACKNEY", "CAB" or "FOR HIRE". This restriction includes the use of the words when used within the proprietor's company name, log, website or email address
- The advertising material shall be non-reflective
- Nothing shall be advertised which might reasonably cause offence to members of the public

3.7 Private hire vehicles are not permitted to display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material. (i.e. business cards on the dashboard).

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Appendix B - Hackney Carriage & Private Hire Vehicle Licensing Procedures

1 Applications for new or renewed vehicle licence

1.1 The applicant will complete, in full, the necessary application form as follows:

- New application for hackney carriage vehicle licence
- Renewal application for hackney carriage vehicle licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

And submitted and accompanied by the following:

- The Vehicle Registration Document issued by DVLA or proof of ownership. This must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s)
- Evidence that the vehicle is insured for third party risks to cover "hire and reward". This will be by way of original cover note or certificate of insurance
- The fee, which will be determined annually and publicised separately
- The compliance certificate for the vehicle

1.2 If the documentation is complete, photocopies will be taken of all original documents. The copies will be retained and the originals returned to the applicant.

1.3 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary signs for the vehicle, which must not be used for Hire or reward until these are attached to the vehicle.

1.4 Applications for renewals should be received by the Council at least 14 days before the expiry of the vehicle licence in order that the licence can be processed and issued before the expiry of the current licence.

2 Application to transfer a Hackney Carriage/Private Hire Vehicle Licence

- 2.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person. Appropriate notice of the transfer must be given to the Council within 14 days. In practice, such vehicles are generally in use for hire or reward immediately transfer of ownership has been arranged. Also it will be necessary for proprietors to change vehicles on occasions for a variety of reasons.

In these instances it will be necessary to obtain a new licence with updated details of the new owner/vehicle. The applicant will complete, in full, the necessary application form as follows:

- Transfer application for hackney carriage vehicle licence
- Transfer application for private hire vehicle licence

And submitted and accompanied by the following:

- The Vehicle Registration Document issued by DVLA or proof of ownership (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s))
- Evidence that the vehicle is insured for third party risks to cover "hire and reward". This will be by way of a cover note or certificate of insurance
- The fee. Fees will be determined annually and publicised separately
- The compliance certificate for the vehicle

- 2.2 If the documentation is complete, photocopies will be taken of all original documents. The copies will be retained and the originals returned to the applicant.

- 2.3 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Appendix C - Additional Conditions for Private Hire Limousines & Speciality Vehicles

These conditions are in addition to the private hire vehicle conditions, except where the conditions below supersede the standard conditions.

1 Types of Vehicles

1.1 The vehicle must have one of the following:

- (i) An Individual Vehicle Authorisation;
- (ii) A European Whole Vehicle Approval Certificate;
- (iii) UK Low Volume Type Approval Certificate.

1.2 If the vehicle has a an Individual Vehicle Authorisation, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

2 Vehicle and Safety Equipment

2.1 Stretched limousines and speciality vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

2.2 The proprietor of a vehicle shall:

- Ensure that the fire extinguisher required to comply with the standard vehicle conditions of licence applicable to all licensed private hire vehicles should be mounted on brackets, in a convenient position in the driver's compartment
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle
- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council

- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation
 - Ensure the vehicle is fitted with tyres that meet both the size and weight specification
- 2.3 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.
- 2.4 Vehicles with sideways facing seating may be considered for private hire licensing.
- 2.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.
- 2.6 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass.
- 2.7 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

3 Use of Vehicle

- 3.1 The proprietor of the vehicle shall: -
- Ensure that the vehicle is at all times only driven by a person who holds a current private hire vehicle driver's licence issued by Ashford Borough Council
 - Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers
 - Ensure that in any advertisement publicising their business, the vehicle is only licensed to carry a maximum of eight passengers
 - Not convey any passengers in the front compartment of the limousine
 - Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same
 - If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise
 - Any glassware in the vehicle must be made of either shatterproof glass or plastic

- The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle
- If the vehicle parks to provide some sort of entertainment to its passengers, the relevant authorisation must be in place in accordance with the Licensing Act 2003
- When directed by the Council, display and maintain any notices in conspicuous position

4 **Vehicle Identification**

4.1 The vehicle will not be required to display the rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, a paper licence and the exemption certificate which identifies the vehicle as a private hire vehicle on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:

- This licence and the exemption certificate will be carried at all times within the vehicle
- No private hire vehicle licence or exemption certificate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle identification shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle identification and licence to the Council within seven days

5 **Signs, Notices, Etc.**

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

6 **Insurance and Compliance Test Certificates**

6.1 The vehicle must not be used to carry passengers for hire and reward unless the following is in place;

- A current certificate of compliance test certificate
- A policy of insurance covering the use of the vehicle for hire and

reward and any nominated driver, named thereon, is the holder of an Ashford Borough Council private hire driver's licence

- 6.3 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

The proprietor shall deposit a valid and current copy of the certificate of compliance test certificate and certificate of insurance or cover note with the operator before the vehicle is used to accept bookings provided by the operator.

- 6.4 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 Deposit of Licences

- 7.1 If the proprietor permits or employs any other person to drive their private hire vehicle, they shall, before that person commences to drive the vehicle, cause the driver to deliver to them a copy of their private hire driver's licence (paper part) for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.
- 7.2 The proprietor of the vehicle will deposit within five working days, a copy of the private hire vehicle licence with the operator before any bookings are accepted.
- 7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 Declaration

- 8.1 All limousine operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

Appendix D - Driver & Operator Licence Procedures

1 Application for New Licence to drive a Licensed Vehicle

- 1.1 New applications are usually for private hire licenses. For those wishing to be considered for a hackney carriage licence, it is recommended that they have held a private hire drivers licence for at least 6 months before undertaking the hackney carriage test.
- 1.2 The applicant will complete, in full, the application for a licence to drive hackney carriage/private hire vehicle, which will be submitted and accompanied by a full UK Drivers Licence that has been held for at least 12 months. This application form must be completed in full and signed as a Statutory Declaration. Any omissions, whether knowingly or recklessly is an offence under the Local Government (Miscellaneous Provisions) Act 1976 and as such it is highly likely that the application would not be successful.
- 1.3 Where applicants have recently arrived from other countries, they will be required to convert their existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Council requires that the twelve-month qualifying period for holding such a licence will start from the time of the conversion.
- 1.4 An applicant who has held a licence from another country for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing the DSA test and providing proof that they have been driving for 12 months in that other country.
- 1.5 The applicant shall submit the following in person to one of the Council Offices for checking:
 - A completed application form
 - A licence application fee. Fees will be determined annually and publicised separately
 - Four colour standard passport photographs
 - A full UK Drivers licence
 - A certificate issued to demonstrate that they have taken and passed a recognised Taxi/Private Hire Driving Assessment Test. (Details can be found at www.ashford.gov.uk)
 - A medical certificate indicating they are physically fit and able to fulfil the role to DVLA Vocational Group 2 Standards

- Suitable identify documents as required by the Immigration Act to demonstrate the right to work.
 - A DVLA Data Subject Check form that permits the Council to confirm the individual's driving history
 - A completed application form for an Enhanced Disclosure Barring Service check accompanied with the requisite fee and documentation to confirm identity and address, or alternatively a DBS certificate dated within the last month.
 - In the event that the applicant has not resided within the UK during the last 5 years, a Certificate of Good Conduct from their relevant embassy or equivalent document issued and authenticated by the appropriate embassy will also be required
 - If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant
- 1.6 Before the application proceeds further, the applicant will be required to undergo a test of their topographical knowledge of villages, major routes and places of interest within the borough of Ashford, the Highway Code and the law/conditions relating to private hire.
- 1.7 Where the applicant fails 3 consecutive tests within a 4-month period, it will be unlikely that the applicant has the appropriate skills and attributes to become a licensed driver with this Council. Further testing would not normally take place for at least 12 months to enable the applicant to develop the necessary skills unless there are exceptional circumstances.
- 1.8 If a driver is not able to satisfactorily complete the topographical and other tests due to difficulties with spoken English they may be required to take language instruction as a pre-requisite to re-sitting these tests.
- 2 Application for a Joint Licence (Hackney Carriage & Private Hire)**
- 2.1 Applicants for a joint licence will need to undergo a hackney knowledge test, conducted by the Council, for which a fee is charged. This test will require a more in depth knowledge of the borough's roads, streets, and places of interest, hotels, pubs and clubs. It will also include questions on the Highway Code and the law/conditions relating to hackney carriages and private hire.
- 2.2 Hackney drivers returning to the trade within two years of licence expiry will not need to resit the knowledge test. Those returning after this time will need to undertake the test to demonstrate sufficient knowledge.

3 Application for Renewal of a Licence to Drive Hackney Carriage/Private Hire Vehicle

3.1 The applicant will complete in full, the application for licence to drive hackney carriage/private hire vehicle form, duly signed as a **Statutory Declaration**. This will then be submitted and accompanied by the following:

- A licence application fee. Fees will be determined annually and publicised separately
- Two colour standard passport photographs
- A DVLA Data Subject Check form that permits the Council to confirm the individual's driving history
- A medical certificate indicating they are physically fit and able to fulfil the role to DVLA Vocational Group 2 Standards
- Suitable identify documents as required by the Immigration Act to demonstrate the right to work.
- A completed application form for an Enhanced Disclosure Barring Service check, together with the requisite documentation. We would recommend and highlight to licensees the facility afforded by the Online DBS update service.

3.2 An Enhanced Disclosure Barring Service check will need to be submitted in person to the Council offices for checking.

4 Application for Private Hire Vehicle Operator's Licence

4.1 The applicant will complete, in full, the application for private hire vehicle operator's licence form, which will be submitted and accompanied by the following.-

- Proof of public liability insurance (if applicable)
- The licence application fee.
- If the applicant has not previously been through the driver's application process, a Basic Disclosure Barring Service check (less than 3 months old) for each person named on the application form

4.2 If a Disclosure Barring Service check is required this application will need to be submitted in person through www.disclosure.scotland.gov.uk and the original to be submitted as part of the application.

5 Applications – General

- 5.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Appendix E, The DBS check will be applied for before any further consideration of the application.
- 5.2 An Enhanced DBS Disclosure of criminal convictions in respect of each licensed driver of a hackney carriage or private hire vehicle is required on initial licence application and upon renewal.
- 5.3 The Council may request another disclosure at any time if a further check is considered necessary.
- 5.4 When the DBS check has been returned, the application will be considered in the light of the information provided. The information received from the DBS will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any application that seeks to conceal any caution or conviction in order to obtain a licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a "fit and proper person", but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.
- 5.5 In the event that there are no relevant convictions or cautions held, the applicant will be considered to be a "fit and proper person" and the matter will be determined by the issue of the driver's/operator's licence.
- 5.6 Applications considered by the Council will result in either the determination of the applicant as a "fit and proper person", indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Council's Appeals Committee and to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.
- 5.7 In view of the special considerations when dealing with those passengers of differing physical abilities, it may be necessary to test the awareness of the applicant of these issues. In particular, and without prejudice to the generality of this paragraph, consideration may be given to the differing types of vehicle likely to be used by the

individual concerned and the difficulties arising in each case.

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Appendix E - Guidelines Relating to the Relevance of Previous Convictions

1 General Policy

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire vehicle licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safeguarding of children and young persons.
- 1.3 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for drivers' licenses
 - Existing licensed drivers whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/ panel

Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee. Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

- 1.4 The Council has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licences and in the absence of a judicially approved definition of "fit and proper", the Council tend to use the test of:

Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone?

The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.

1.6 Whilst the committee / panel may consider that a person with a conviction for a serious offence need not be automatically barred from obtaining a licence, it would normally be expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

(Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence).

1.7 The standards and criteria set out in the paragraphs below are those that would normally be applied to applications and licences. Each case will be considered on its own merits, and the licensing authority may depart from these criteria, however it must only do so in exceptional circumstances. The otherwise good character and driving record of the applicant of licence holder will not ordinarily be considered as exceptional circumstances.

1.8 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

2. Powers

2.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

2.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

2.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in

advance to prove that the court agreed a reduction in the period of disqualification.

3 Consideration of disclosed criminal history

3.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators' licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- The seriousness of the offence(s)
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

3.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within fourteen days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

3.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing team in confidence for advice.

3.4 The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

3.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

3.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

- 3.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4 Serious offences involving violence

- 4.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 4.2 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 4.3 A licence will not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
- Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm which is racially aggravated
 - Grievous bodily harm with intent
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated
 - Violent disorder
 - Resisting arrest
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

4.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

4.5 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

4.6 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

5. Possession of a weapon

5.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

5.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

6. Sex and indecency offences

6.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused a licence. Such offences include:

6.2 (a) An application will normally be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Indecent exposure
- Soliciting (kerb crawling)
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

6.3 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

7. Dishonesty

7.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

7.2 In general, a minimum period of 5 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

7.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

7.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not be issued with a licence.

8. Drugs

8.1 A serious view is taken of any drug related offence.

8.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

8.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

8.4 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

8.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

8.6 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.

9 Driving offences involving the loss of life

9.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

10 Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

- 10.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of their DVLA driving licence but they should be warned as to the significant risk to their licence status in the event of re-offending. Normally at least 3 years after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.
- 10.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:
- are much less aware of what's happening on the road around them
 - fail to see road signs
 - fail to maintain proper lane position and steady speed
 - are more likely to 'tailgate' the vehicle in front
 - react more slowly, take longer to brake and longer to stop
 - are more likely to enter unsafe gaps in traffic
 - feel more stressed and frustrated.
- 10.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.
- 10.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

11 Licensing offences

- 11.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since.

- 11.2 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

12 Non-conviction information

- 12.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.
- 12.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

13 Cautions

- 13.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

14 Once a licence has been granted

- 14.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- 14.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]
- 14.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

15 Licences issued by other licensing authorities

- 15.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.
- 15.2 Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

16 Minor traffic offences

- 16.1 Convictions for minor traffic offences will not prevent a person from being considered for a licence. If a new applicant has six live penalty points on their driving licence for such offences then the application may be granted subject to a strong written warning. If an applicant has more than six penalty points on their licence then the application will normally be refused and no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed.
- 16.2 In the case of a licensed driver accumulating nine or more penalty points the Council may refuse to renew, suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 12 months free from convictions of this type has elapsed. A list of minor traffic offences can be seen in table 1.

17 Major traffic offences

- 17.1 If an applicant has live endorsements or has been disqualified from driving in respect of major traffic offences then the application will be normally be refused until at least five years after the most recent such convictions.

If however the conviction is also listed in the preceding part of this appendix, then the longer period shall normally be applied.

A list of major traffic offences can be seen in table 2.

18 Offences by licensed drivers, proprietors or operators

- 18.1 Any conviction which results from an offence committed by any person whilst working as a hackney carriage or private hire driver, proprietor or operator (especially the offence of illegally plying for hire) is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.
- 18.2 More than one conviction for the above would certainly lead to the licence being revoked. This includes any offences against the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation.
- 18.3 Convictions of any description listed in table 1 committed by both hackney carriage proprietors and private hire driver's during the duration of their licence must be declared to the licensing section in writing within 14 days of the conviction, caution, or fixed penalty.

19 Cautions and Endorsable Fixed Penalties

- 19.1 For the purpose of these guidelines simple cautions and endorsable fixed penalties shall be treated as though they were convictions.

20 Summary

- 20.1 To summarise, a criminal history in itself will not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Table 1: Minor traffic offences

Code	Offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use or unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences

Code	Offence
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver, etc.
MW10	Contravention of special road regulations (excluding speed limit)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Table 2: Major traffic offences

Code	Offence
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of the court
BA30	Attempting to drive while disqualified by order of the court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol above limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD71	Causing death by careless driving then failing to supply a specimen for drug analysis

Code	Offence
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then failing to supply a specimen for drug analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61	Failure to supply drug specimen for analysis in circumstances driving or to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third-party risks

Code	Offence
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
UT50	Aggravated taking of a vehicle

NOTE: Includes: Aiding, abetting, counselling or procuring any of the offences as coded above. Causing or permitting any of the offences as coded above. Inciting any of the offences as coded above.

Appendix F - Hackney Carriage Byelaws

1 Introduction

- 1.1 Byelaws are made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875.
- 1.2 The following byelaws were confirmed for Ashford Borough Council effective 2nd November 1998.

2 Interpretation

- 2.1 Throughout these byelaws “the Council” means the Ashford Borough Council and “the district” means Ashford.

3. Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed.

- 3.1
 - a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto
 - b) A proprietor or driver of a hackney carriage shall:
 - Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire
 - Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible

4. Provisions regulating how hackney carriages are to be furnished or provided.

- 4.1 The proprietor of a hackney carriage shall:
 - Provide sufficient means by which any person in the carriage may communicate with the driver
 - Cause the roof or covering to be kept water-tight
 - Provide any necessary windows and a means of opening and closing not less than one window on each side
 - Cause the seats to be properly cushioned or covered

- Cause the floor to be provided with a proper carpet, mat, or other suitable covering
- Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service
- Provide means for securing luggage if the carriage is so constructed as to carry luggage
- Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use
- Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver

4.2 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

- The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter
- Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council
- The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage; and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

- 5. Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.**
- 5.1 The driver of a hackney carriage provided with a taximeter shall:
- When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter
 - Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
 - Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer
- 5.2 A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 5.3 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- Proceed with reasonable speed to one of the stands appointed by the Council
 - If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
 - On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
 - From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
- 5.4 The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

- 5.5 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 5.6 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 5.7 If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 5.8 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
- Convey a reasonable quantity of luggage
 - Afford reasonable assistance in loading and unloading
 - Afford reasonable assistance in removing it to, or from, the entrance of any building, station, or place at which he may take up or set down such person
- 6. Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares.**
- 6.1 The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time, unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- 6.2 Provided always that, where a hackney carriage furnished with a taximeter shall be hired by distance and time, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- 6.3 The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council Resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- 6.4 The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 7. Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof.**
- 7.1 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 7.2 The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Environmental Services Manager of the Council and leave it in the custody of the Officer in charge of the office on his giving a receipt for it
 - Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of Environmental Services Manager of the Council, whichever be the greater) but not more than five pounds

8 Penalties

- 8.1 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

9. Repeal of Byelaws

- 9.1 The byelaws relating to hackney carriages which were made by the Ashford Borough Council on the 18th day of March 1975 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 9th day of May 1975 are hereby repealed.

Appendix G - Private Hire Drivers Licence Conditions

1 Conduct of Drivers

- 1.1 The driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on their behalf previously requested the hiring by telephone, letter or personal call to the office or business premises of the proprietor/operator.
- 1.2 The driver shall not permit an order or request for a hiring to be transmitted by means of a radio set installed in a licensed private hire vehicle.
- 1.3 When picking up or setting down passengers, the driver shall not cause their vehicle to remain stationary for a longer period of time than is reasonably necessary to enable them to carry out those operations.
- 1.4 The driver shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.
- 1.5 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.6 The driver must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicle at any time.
- 1.7 The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.8 The driver of a private hire vehicle, so constructed as to carry luggage, shall, when required by any person hiring or seeking to hire the vehicle:
 - Convey a reasonable quantity or weight of luggage
 - Afford reasonable assistance in loading and unloading
 - Afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person
- 1.9 The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

1.10 Whilst acting as a private hire driver in a private hire vehicle the driver shall:

- At all times be clean and respectable in their dress and person and comply with the dress code (see Appendix L) and code of conduct (see Appendix H)
- Not without the express consent of the hirer drink or eat in the vehicle whilst a hiring is under way

2 Custody of property accidentally left in a Private Hire Vehicle

2.1 The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

2.2 The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle has been found by or handed to them, attempt to return it to the rightful owner or carry it within 24 hours, if not sooner, to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

3 Miscellaneous

3.1 This licence must not be handed to any unauthorised person but must be produced on request by any authorised officer of the Council, or any Police Officer.

3.2 In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued.

3.3 The licence must not be defaced or altered in any way.

3.4 The driver shall notify the Council in writing of any change of address within 14 days.

3.5 The driver, if they drive licensed vehicles belonging to another person, must ensure that they lodge their private hire driver's licence with the proprietor of the licensed vehicle until they ceases to drive for that proprietor.

3.6 The driver will be issued with a driver's identity badge which must be worn at all times in such a position and manner as to be plainly and distinctly visible whilst in charge of a private hire vehicle. The driver's identity badge must be produced on request by any authorised officer of the Council or any Police officer.

- 3.7 The driver must produce their DVLA driving licence to the Council within seven days of a written request for production being made.
- 3.8 The driver shall not carry more than the maximum number of passengers for which the vehicle is licensed.
- 3.9 The driver shall not drive a licensed vehicle unless a first aid kit and an easily accessible and compliant fire extinguisher are carried in the vehicle.
- 3.10 The driver must sign this licence on receipt.
- 3.11 The driver must notify the council within the 14 days of any of the following:
- a) The driver's conviction for any criminal or road traffic offence (including fixed penalty offences)
 - b) Any grant of bail to the driver (conditional or unconditional) by any court or police station
 - c) Any court cases pending against the driver
 - d) Whether the driver has been cautioned or received an official warning from the police
- 3.12 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from their own medical practitioner or hospital consultant as to their continued fitness.
- 3.13 Each driver must carry, in a licensed private hire vehicle, a guide, hearing or other assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.
- 3.14 Where reference is made to produce documents or report matters to the Council these should be sent/reported to the Licensing Officer, Environmental Services, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL.

Appendix H - Code of Conduct for Licensed Drivers/Operators

- 1 The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. Licence holders shall promote the professionalism of the hackney carriage and private hire trade by:
 - a) Complying with this Code of Conduct
 - b) Complying with all the conditions of their licence, byelaws and the Council's Taxi Licensing Policy
 - c) Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers and whilst waiting for hire on a rank
 - d) Paying attention to personal hygiene and dress so as to present a professional image to the public. (See Dress Code)
 - e) Not eating or drinking in the vehicle in the presence of customers
 - f) Keep their vehicles clean and suitable for Hire to the public at all times
 - g) Respecting authorised Officers during their normal course of their duties
 - h) Maintain their vehicles in a safe and satisfactory condition at all times
 - i) Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle
 - j) Not drive while having misused legal or taken illegal drugs
 - k) Comply with legislation regarding the length of working hours
 - l) Drive with care and due consideration for other road users and pedestrians
 - m) Not use a hand held mobile phone whilst driving
 - n) Obey all Traffic Regulation Orders and directions at all times
 - o) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle

- p) Not smoke in the vehicle at any time
- q) Attend punctually when undertaking pre-booked hires
- r) Assist, where necessary, passengers into and out of vehicles.
(Unless granted exemption by the Council under the Equality Act 2010)
- s) Provide passengers reasonable assistance with luggage
- t) Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers
- u) Keep the volume of music media players, VHF radios and/or other audio/visual devices to a minimum
- v) Switch off the engine if required to wait
- w) Take whatever additional action is necessary to avoid disturbance to residents in the locality
- x) Rank in an orderly manner and proceed along the rank in order and promptly close up spaces so that other carriages can join the rank
- y) Not allow their music media players, VHF radios and/or other audio/visual devices to cause disturbance to residents of the neighbourhood at lay up points and at taxi offices
- z) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business

2 Disciplinary Hearings

- 2.1 Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences:
- a) Where the driver has been convicted, since the grant of the licence, of a relevant offence.
 - b) Where the driver has been convicted of an offence under the legislation or the Taxi Licensing Policy relating to taxi regulation
 - c) If there is any others reasons to do so, including a breach of condition or this code

Please note: any amount of alcohol or drugs can affect a driver's judgement. The council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

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Appendix I - Private Hire Operator's Licence Conditions

1 Provision and Furnishings of Private Hire Vehicles

- 1.1 The operator shall ensure that at all times the vehicle including its seating, vehicle including its seating, flooring and fittings are kept in a clean and tidy condition and if in the reasonable opinion of the Council's Licensing Officer a lack of cleanliness and/or tidiness is such as to render its use by the public undesirable he shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle as a private hire vehicle until such time as the Licensing Officer has re-inspected the vehicle and confirmed it is clean and tidy.

2 Display of Licence Plates, Signs and Advertising

- 2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.

- 2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

- The operator may display on the outside or inside of the vehicle the following: Private hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved Kent County Council (KCC) School Transport Sign when operating in conjunction with school contracts and
- Any other thing required to be displayed by law

- 2.3 The operator may display restricted first party advertising subject to the following restrictions:

- The advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words "Advance Booking Only" or "Private Hire Advance Booking Only". It can include the proprietor's company name, logo, website, email address or telephone number
- The advertising material shall not contain the words "Taxi", "Hackney", "Cab" or "For Hire". This restriction includes the use of the words when used within the proprietor's company name, log,

website or email address

- The advertising material shall be non-reflective
- Nothing shall be advertised which might reasonably cause offence to members of the public

2.4 The operator shall not display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material.

3 Records

a. The operator shall keep a permanent record of every booking of a private hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by the Council's Licensing Officer upon request. The record entries must be made before the commencement of each journey and shall include:

- The time and date of the booking
- The time and date of the pickup
- Details of the pickup point
- Details of the destination
- The name and contact details (minimum tel. number) of the hirer
- The registration number of the vehicle and driver allocated for the journey

b. All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of not less than twelve months following the date of the relevant entry.

c. The operator shall keep written records of the particulars of all private hire vehicles operated by them and shall include a copy of the licensed driver's private hire licence, details of the proprietors, registration number and drivers of such vehicles together with any radio call sign used.

d. The Operator will securely retain the licenses of all drivers engaged to work for them and make them available for inspection as required.

4 Conduct of Proprietors

- 4.1 The operator shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on their behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the proprietor.
- 3.2 The operator shall not permit an order or request for a hiring to be transmitted by means of a radio set installed in a licensed private hire vehicle, from a private hire vehicle to an operator.
- 3.3 The operator shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.
- 4.4 Comply with the Code of Conduct.

5 Miscellaneous

- 5.1 The operator shall notify the Council forthwith should he/she change address.
- 5.2 The operator shall notify the Council forthwith of any intended change in use of a licensed vehicle, or of any relevant change of particulars supplied at the time of application for this licence.
- 5.3 This licence must be kept in the possession of the operator and must not be passed to any unauthorised person. It must be produced when requested by any authorised officer of the Council or any police officer.
- 5.4 In the event of loss or damage to this licence the Licensing Section must be informed immediately so that a replacement licence can be issued.
- 5.5 This licence must not be altered or defaced in any way.
- 5.6 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicle at any time.
- 5.7 Since 2001 private hire vehicles must carry guide, hearing or other assistance dogs belonging to passengers, free of charge, unless a driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.
- 5.8 If you wish to operate a greater number of vehicles than permitted under your licence, you will need to apply for a new operator's licence with payment of the appropriate fee, and submit your original licence to

be surrendered upon grant of the new licence. You would not be entitled to any refund in respect of the surrendered licence.

- 5.9 No person or corporate or incorporated body may hold more than one operator's licence.

DRAFT

Appendix J - Taxi Licensing Enforcement Policy and Procedure

1 Enforcement Policy Statement

- 1.1 It is the policy of Ashford Borough Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.
- 1.2 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the sub-committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Licensing Team Leader or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.4 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.
- 1.5 Officers will be authorised by the Head of Health, Parking and Community Safety or the Health, Parking and Community Safety Managers (as appropriate) to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

2 Enforcement Options

- 2.1 Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.
- 2.2 Licence application and enforcement decisions must always be consistent, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the:
 - Seriousness of any offences

- Driver or operator's past history
- Consequence of non-compliance
- Likely effectiveness of the various enforcement options
- Danger to the public

2.3 Having considered all relevant information and evidence, the choices for action are:

Licence Applications:

- Grant licences subject to the Council's Standard Conditions
- Refuse to grant a licence

Enforcement Action:

- Take no action
- Take informal action
- Use statutory notices, (stop notices etc.)
- Suspend a licence
- Revoke a licence
- Use simple cautions
- Prosecute

2.4 This policy document provides detailed guidance applicable to the various options for enforcement action.

3 Informal Action

3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

3.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- The act or omission is not serious enough to warrant more formal action
- From the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance

- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

4 Appearance before the Licensing and Health and Safety Committee

- 4.1 An offending individual or company may be summoned before the Licensing and Health and Safety Committee to answer allegations of breaches of relevant legislation, Byelaws or conditions attached to licences.
- 4.2 Current licence holders who report convictions or breach relevant legislation during the period of their licence may be brought before the Committee.
- 4.3 The Committee may decide to take one or more of the following actions:
- No action
 - A written warning
 - Require the production of driving licences or other specified documentation at the Council's Office
 - Suspend a licence
 - Revoke a licence
 - Recommend prosecution action

5 Section 68 Notices

- 5.1 An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has

reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

6 Appeals

- 6.1 Appeals against decisions of the Council may be made to the Appeal's Committee and to the Magistrates' Court.
- 6.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of the appeal.

7 Prosecution

- 7.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards that ensure a consistent approach.
- 7.2 The circumstances that are likely to warrant prosecution may be characterised by one or more of the following:
- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it
 - When there appears to have been reckless disregard for the safety of passengers or other road users
 - Where there have been repeated breaches of legal requirements
 - Where a particular type of offence is prevalent
 - Where a particular contravention has caused serious public alarm
- 7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.
- 7.4 Before referring a matter to the Head of Health, Parking and Community Safety or the Health, Parking and Community Safety Managers (as appropriate) for possible prosecution, the Licensing Team Leader as well as the Council's Legal & Democratic Services Manager must be satisfied that there is relevant, admissible, substantial and reliable

evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.

7.5 When a decision is being taken on whether to prosecute, the factors to be considered may include:

- The seriousness of the alleged offence
- The risk or harm to the public
- Identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation
- Disregard of safety for financial reward
- The previous history of the party concerned
- Offences following a history of similar offences
- Failure to respond positively to past warnings
- The ability of any important witnesses and their willingness to cooperate
- The willingness of the party to prevent a recurrence of the problem
- The probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution)
- Whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective

8 Simple Cautions

8.1 A simple caution may be used as an alternative to a prosecution in certain circumstances.

8.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:

- To deal quickly and simply with less serious offences
 - To divert less serious offences away from the Courts
 - To reduce the chances of repeat offences
- 8.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered
- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction
 - The suspected offender must admit the offence
 - The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned
- 8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).
- 8.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by the Head of Health, Parking and Community Safety or the Health, Parking and Community Safety Managers (as appropriate).
- 8.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

9 Transparency

- 9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.
- 9.2 Any written documentation issued or sent will:
- Contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated

- Indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen
- Clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement

9.3 The clear distinction between legal requirements and matters that are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

10 Test Purchase/Secret Shopper

10.1 The Council will from time to time conduct Test Purchase/Secret Shopper operations as a quality control measure with regard to licensing.

10.2 The purpose of these operations is to provide the best possible service to the public, investigate complaints from the public and drivers alike and to highlight best practice.

Appendix K - Penalty Points System

- 1 The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven. The implementation of points would take place following investigation of offences or receipt of formal proceedings elsewhere by another agency e.g. the police.
 - 1.1 Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place the only option available to the Council will be to prosecute, or review their fitness to hold the relevant licence.
- 2 **The details of how the scheme will be operated are as follows:**
 - 2.1 Penalty points will be applied by authorised officers of the Council upon completion of investigation of relevant breaches of the Council's hackney carriage and private hire conditions or other relevant statutory provisions where breaches are identified.
 - 2.2 Penalty points when issued will be confirmed in writing to the licence holder.
 - 2.3 The number of penalty points issued will be in accordance with the tariff, reproduced below.
 - 2.4 The Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
 - 2.5 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator.
 - 2.6 Penalty points issued under this scheme will have a "life" of twelve months, and then will be deemed spent. The system is based upon a rolling twelve-month period.
 - 2.7 There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend a Licensing and Health and Safety Committee hearing if more than a certain number of points are imposed on an individual licence in any one 12 month period. The thresholds are as follows:

Penalty Points Tariff

Hackney Carriage Driver	12 Points
Hackney Carriage Proprietor	12 Points
Private Hire Driver	12 Points
Private Hire Proprietor	12 Points
Private Hire Operator	24 Points

- 3 On appearing before the Licensing and Health and Safety Committee the following recommendations will generally be made by Officers.**
- 3.1 On the accumulation of 12 or more penalty points in a 12-month period a driver or a vehicle proprietor will be subject to a recommendation to suspend their licence for a period of 1 month.
- 3.2 On the accumulation of 24 or more penalty points in a 12 month period an Operator will be subject to a recommendation to suspend their licence for a period of 1 month.
- 3.3 Drivers, proprietors, or operators who accumulate the necessary total of points in a rolling year on a second or subsequent occasion, will be asked to reappear before the Committee. The Committee will take into account previous cautions, suspensions or prosecutions when considering Officer's recommendation for a longer period of suspension, or revocation of the relevant licence.
- 3.4 The above recommendations would not fetter the discretion of the Committee who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.
- 3.5 Once prosecuted or suspended all penalty points will be removed from the total accrued for that year by drivers, vehicle proprietors, and operators.
- 3.6 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Appeals Committee and to the Magistrates' Court against the suspension or revocation. All

suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

4 Penalty Point Tariff

PH - Private Hire, HC -Hackney Carriage

- 4.1 Matters identified with an asterisk (*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirements.
- 4.2 Matters identified with “C” are breaches of conditions imposed on the licence. Matters identified with “B” are breaches of the Byelaws.
- 4.3 Some offences marked (HC) apply only to hackney carriages.

4.4 General Breaches

		Contravention	Driver	Proprietor	Operator
1.	False declaration on application/renewal of licence	*	6	4	4
2.	Obstruction of authorised officer	*	3	3	3
3.	Failure to behave in a civil and orderly manner to customers.	C/B	3		
4.	PH Driver failing to notify any motoring, criminal conviction, pending court case, or caution within 14 days	C	3		
5.	Failure to display badge in such position as to be plainly visible	B/*	4		

6.	Failure by HC Proprietor, PH driver or Operator to notify the Council of change of address within 7 days	*/C	2	2	2
7.	Smoking and/or failing to prevent smoking in licensed vehicle	Health Act	3		
8.	Failure to display required no smoking signs	Health Act		3	3
9.	Failure to comply with the Code Of Conduct and/or the Dress Code	C	3	3	3

4.5 Vehicle Breaches

PH - Private Hire, HC -Hackney Carriage

		Contravention	Driver	Proprietor	Operator
10.	No fire extinguisher in vehicle.	B/C		3	3
11.	No First Aid kit in vehicle.	C		3	3
12.	Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.	*		2	2
13.	Interfering with a taximeter	*	4	4	4
14.	Failure to display vehicle licence plate in authorised manner	C		3	3

		Contravention	Driver	Proprietor	Operator
15.	Proprietor of HC or PH Operator failing to report accident damage to vehicle within 72 hours.	*		2	2
16.	Failure to produce insurance documents at request of authorised officer.	*		4	4
17.	Using unlicensed vehicle, or using without insurance.	*C		12	12
18.	Carrying more passengers than permitted by vehicle licence.	*B	4		
19.	Refusal to carry passengers without reasonable excuse. (HC)	*	4		
20.	Unauthorised advertising on vehicle.	C		3	3
21.	Failure to notify transfer of vehicle licence interest within 14 days.	*		3	3
22.	Failure to convey or assist with carrying luggage.	B/C	2		
23.	Failure to deliver lost property to police	B/C	2		
24.	Failure to display tariff card in the vehicle (HC)	B/C		3	
25.	Defective taxi meter (HC)	B		3	

		Contravention	Driver	Proprietor	Operator
26.	Vehicle not clean, well maintained or comfortable	C		3	2
27.	Failure of HC Proprietor to hold a HC drivers' licence	*		2	
28.	Unattended HC Vehicle on a rank. (HC)	*	2		
29.	Failure to present vehicle for mechanical inspection.	*		3	3
30.	HC or PHV unfit for use as a Hackney Carriage or Private Hire vehicle	*		4	4
31.	Use of vehicle without a current compliance certificate	*		9	9
32.	Plying for hire without a licence	*	9	9	
33.	Overcharging (HC)	*	4		
34.	HC Proprietor employing an unlicensed driver (HC)	*		12	
35.	Using a vehicle subject to a suspension order issued by an authorised Officer, or by the police.	*		12	12
36.	Driver not holding a HC and/or PH drivers licence.	*	6		

		Contravention	Driver	Proprietor	Operator
37.	Unnecessarily prolonging a journey	*	4		
38.	PH Driver failing to notify the Council of serious injury or illness	C	4		

4.3 Operator Breaches

PH - Private Hire

		Contravention	Driver	Proprietor	Operator
39.	Failure to keep proper records of bookings	*			4
40.	Operating a PH Vehicle when the driver is not licensed	*			12
41.	Operating a vehicle as a PH Vehicle when the vehicle is not licensed as a PH Vehicle	*			12

Appendix L - Dress Code

1.1 Ashford Borough Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- Raise and maintain the profile of the licensed trade
- Promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- Promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable

1.2 Acceptable Standards of Dress:

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted
- Footwear should fit around the heel of feet

1.3 Unacceptable standards of dress within this Code:

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle
- Hooded garments ('hoodies') worn with hood up whilst driving

Agenda Item No: 8
Report To: CABINET
Date of Meeting: 12th October 2017
Report Title: Ashford Heritage Strategy
Report Author & Job Title: Matthew Nouch, Policy Planner



Portfolio Holder Cllr Paul Clokie
Portfolio Holder for: Planning and Development
Portfolio Holder Cllr Mike Bennett
Portfolio Holder for: Culture, Leisure, Environment and Heritage

Summary:

The Ashford Heritage Strategy seeks to safeguard and enhance the borough's cultural heritage assets in a positive strategy for the conservation and enjoyment of the historic environment. It sets out a series of aims and objectives to safeguard assets, increase visibility and sustainably manage and develop the borough's offer, as well as providing an evidence base for the Local Plan to 2030.

The strategy was produced with significant stakeholder engagement, including a series of engagement workshops and exhibitions. It highlights and explores eight key themes in the borough's rich heritage, as well as highlighting particular case studies, local best practice and opportunities to capitalise on the borough's unique offer.

Following formal consultation, a number of representations have been received which has resulted in a few updates to certain parts of the strategy. It is intended that the strategy, as well as supporting Council documents, can provide a useful guide and support for local heritage groups across the borough.

Key Decision: NO

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- I. Note the representations made against the draft Heritage Strategy following its 8-week consultation**
- II. Endorse the final Ashford Heritage Strategy for adoption by the Council**
- III. Grant delegated authority to the Head of Planning Policy to agree final formatting and minor editing**

of the Strategy prior to publication

Policy Overview:	This Strategy can be used as a standalone document, but has been produced as an evidence-base to support the Local Plan to 2030, and will assist delivery of Priority 4 (Attractive Ashford: Countryside and Townscape, Tourism and Heritage) of Ashford's Corporate Plan 2015-2020.
Financial Implications	N/A. A detailed Action Plan will be produced in future outlining resultant projects and assessing feasibility.
Legal Implications	Not applicable.
Equalities Impact Assessment	See attached assessment
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	Appendix 1: Representations made against the draft Ashford Heritage Strategy, and Officer Response Appendix 2: Ashford Heritage Strategy, October 2017
Contact:	matthew.nouch@ashford.gov.uk – Tel: (01233) 330254

Report Title: Ashford Heritage Strategy

Introduction and Background

1. The protection and enhancement of the historic environment runs through the National Planning Policy Framework (NPPF). To meet such objectives, local planning authorities are required to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.
2. The Heritage Strategy describes the rich history of Ashford Borough and its numerous and wide range of heritage assets. The Strategy responds to, and is compliant with, the requirements for a 'positive strategy for the conservation and enjoyment of the historic environment' as required by the NPPF. It sets out how the historic environment can play an important role in delivering regeneration in the Borough, particularly in supporting the objective of the emerging Local Plan 2030 for the regeneration of Ashford Town Centre, the creation of attractive places and the role of heritage in growing the tourism offer of the Borough.
3. At June Cabinet, Members agreed that the draft Heritage Strategy, developed to support the heritage policies of the Local Plan, should go out to public consultation. Formal consultation ran between 7th July and 31st August 2017, alongside the Main Changes to the Local Plan to 2030 consultation.
4. Individual invitations to respond to the consultation were sent to Ward Members, Parish Councils, Neighbourhood Fora, Local History and Archaeological Societies, and all those who provided their details at last year's Heritage Strategy exhibitions and workshops. Furthermore, Council press releases were taken up by the local paper to ensure wider promotion.
5. The draft Heritage Strategy document was uploaded, via the "Inovem" consultation system, onto the Council's "Have Your Say" page at www.ashford.gov.uk/consult. Upon logging in to this system, comments could be made against individual chapters of the Strategy or, alternatively, a PDF version of the Strategy could be downloaded and a comment form completed. In all cases, participants were asked whether they wished to "Support" or "Object" to the Strategy, or if they wanted to focus comments on an "Omission". Guidance notes were made available online alongside the representation form.

Current Position

6. During the consultation period, a total of 63 responses were received from 26 respondents.
7. These representations are summarised in Appendix 1 of this report on a thematic basis, and an officer's response is provided against each theme.
8. The Ashford Heritage Strategy has been amended and expanded in light of these representations. This is enclosed here as Appendix 2. Aside from a series of minor corrections and additions, the most notable changes include the addition of case studies highlighting the Ashford Railway Works at Newtown (Railways chapter), and the

Pilgrims/North Downs Way National Trail (Routeways chapter); and an expanded consideration of structures involved to drain the Wittersham and Upper Levels (Invasion and Defence chapter).

9. Adoption of the Heritage Strategy will help to deliver Priority 4 of Ashford's Five Year Corporate Plan 2015-2020 – "Attractive Ashford: Countryside and Townscape, Tourism and Heritage", which places great importance on safeguarding heritage assets in the borough and the landscapes in which they sit. It will also serve as an evidence base document to the Local Plan to 2030.

Project progress and engagement process

10. The initial draft Heritage Strategy was presented to the Local Plan and Planning Policy Task Group on 30 June 2016. At this point, it was a desk-based report produced according to KCC and Historic England guidance. Members endorsed that version of the strategy and agreed that engagement with local groups on the significance of local and borough-wide heritage assets should be carried out.
11. Given that the aims of this process included the establishment of a strategy that would be significantly influenced by local groups, the engagement of expert and amateur heritage enthusiasts was important. Interested parties were invited to a series of engagement sessions. These comprised three informal exhibitions and one workshop in which individuals and groups could engage with officers, often in detail, helping us to a) assess the significance of the heritage assets of the Borough, the contribution they make to its environment and their potential to contribute to the delivery of other sustainable development objectives; and b) set out a positive strategy for the conservation and enjoyment of the heritage of the Borough.
12. At the workshop thirty-four participants were split into four groups. In two sessions, during the course of the workshop each group tackled two of the eight thematic subjects (one at a time). The eight themes of the strategy were introduced through posters dotted around the room, with accompanying maps showing the distribution of assets related to these categories. There was time at the beginning and in breaks during the session for participants to explore and digest this information. During the two break-out sessions, facilitators assisted the discussion at each table. Participants deliberated on the 'significance' of each theme in the overall heritage offer of the borough, and considered those criteria that make up its 'value'. Prompter sheets with key definitions were given to each table as *aide memoires*, given that much of the analytical language used in the HE assessment criteria is specialist, although it was felt important to engage participants in the full analytical process.
13. Detailed, locally- and technically-informed detail about all eight categories emerged from the workshop, and was analysed qualitatively to generate an assessment of the significance of each category. These were written up and comprise the concluding assessment for each for the thematic chapters, demonstrating the centrality of the consultation and engagement process in the production of this strategy. The outcome of these assessments has shaped and fine-tuned the recommendations of the strategy in its current iteration.
14. At June Cabinet, Members agreed that the draft Heritage Strategy, developed to support the heritage policies of the Local Plan, should go out to public consultation. Formal consultation ran between 7th July and 31st August 2017, alongside the Main Changes to the Local Plan to 2030 consultation.

15. The Heritage Strategy has been amended and expanded to take account of all representations made, and the final version is enclosed here for Cabinet endorsement for adoption. Within this amended document, additional text is shown underlined, while text to be deleted is struck through.

Risk Assessment

16. The risks of the Council not updating its planning policy base, of which this is formally a part, are significant, including the potential for heritage-related policies within the Local Plan to 2030 to be unsupported or found unsound.
17. In addition, the fact remains that the Heritage Strategy provides a useful delivery vehicle for Ashford's Corporate Plan objectives at multiple user levels. In the absence of formal consultation on the strategy, in which stakeholders are given the opportunity to comment, the extent of community buy-in diminishes.

Other Options Considered

18. This will be Ashford's first integrated Heritage Strategy. The production of a Heritage Strategy was previously agreed by Members and is now recommended good practice for local authorities as per government (through the NPPF) and Historic England guidance. Several other local authorities in Kent have adopted or emerging Heritage Strategies informing decisions. It will also support one of the four pillars of Ashford's Corporate Plan.

Conclusion

19. The Ashford Heritage Strategy reflects the substantial engagement with local heritage groups and interested stakeholders carried out over a long period of time, with substantial opportunity for thematic development and detailed refinement. The document contains an assessment of significance for each of the eight main categories of heritage asset in the borough, and a suite of recommendations to increase the visibility, sustainability and accessibility of our rich patrimony.
20. The strategy provides extensive and robust background evidence for the Local Plan to 2030 to which it also serves as a background paper. The strategy will establish policy and programmes in its own right.
21. The recently-closed eight week consultation has yielded further evidence of the esteem given to diverse areas of heritage within the borough. This has enabled the refinement of the detail in each of the thematic chapters, and offers a further two case studies within the body of the document itself – Newtown Railway Works and the Pilgrims/North Downs Way Way, alongside an expanded consideration of the historic landscape of the south of this borough.
22. It is hoped that Members are satisfied with the scope and detail presented within the Heritage Strategy, including amendments following consultation, and will endorse its formal adoption by the Council.

Portfolio Holder's Views

23. *Cllr Paul Clokie: "The Ashford Heritage Strategy will underpin the Local Plan to 2030's heritage policies, providing a useful evidence base. It outlines the Council's approach to the sustainable management of the borough's extensive heritage offer, and provides the basis for enhancing and capitalising on our rich resource."*

24. *Cllr Mike Bennett: "This detailed audit provides evidence of the vast and wide ranging heritage of our Borough as a valuable asset and identifies how it can and should be promoted and protected for future generations."*

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.

- encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
 - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
 - The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
 - The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
 - The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
 - It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
 - A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
 - A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:
- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
 - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. *[Equality Duty in decision-making](#)*

Lead officer:	Matthew Nouch
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<ul style="list-style-type: none"> • Note the representations made against the draft Heritage Strategy following its 8-week consultation • Endorse the final Ashford Heritage Strategy for adoption by the Council • Grant delegated authority to the Head of Planning Policy to agree final formatting and minor editing of the Strategy prior to publication
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	12 th October 2017
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The Ashford Heritage Strategy seeks to safeguard and enhance the borough's cultural heritage assets in a positive strategy for the conservation and enjoyment of the historic environment. It sets out a series of aims and objectives to safeguard assets, increase visibility and sustainably manage and develop the borough's offer, as well as providing an evidence base for the Local Plan to 2030.</p> <p>The strategy was produced with significant stakeholder engagement, including a series of engagement workshops and exhibitions. It highlights and explores eight key themes in the borough's rich heritage, as well as highlighting particular case studies, local best practice and opportunities to capitalise on the borough's unique offer.</p> <p>Following formal consultation, a number of representations have been received which has resulted in a few updates to certain parts of the strategy. It is intended that the strategy, as well as supporting Council documents, can provide a useful guide and support for local heritage groups across the borough.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key 	The strategy provides a positive framework for engagement by the widest definition of society in the historic environment. A wide variety of engagement strategies were employed in production of the Strategy – including drop-in sessions, workshops, online, email and telephone information gathering, along with cascading

findings.	engagement via local history societies.
<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Given that the aims of this process included the establishment of a strategy that would be significantly influenced by local groups, the engagement of expert and amateur heritage enthusiasts was important. Interested parties were invited to a series of engagement sessions. These comprised three informal exhibitions and one workshop in which individuals and groups could engage with officers, often in detail, helping us to a) assess the significance of the heritage assets of the Borough, the contribution they make to its environment and their potential to contribute to the delivery of other sustainable development objectives; and b) set out a positive strategy for the conservation and enjoyment of the heritage of the Borough.</p> <p>At the workshop thirty-four participants were split into four groups. In two sessions, during the course of the workshop each group tackled two of the eight thematic subjects (one at a time). The eight themes of the strategy were introduced through posters dotted around the room, with accompanying maps showing the distribution of assets related to these categories. There was time at the beginning and in breaks during the session for participants to explore and digest this information. During the two break-out sessions, facilitators assisted the discussion at each table. Participants deliberated on the ‘significance’ of each theme in the overall heritage offer of the borough, and considered those criteria that make up its ‘value’. Prompter sheets with key definitions were given to each table as aide memoires, given that much of the analytical language used in the HE assessment criteria is specialist, although it was felt important to engage participants in the full analytical process.</p> <p>Detailed, locally- and technically-informed detail about all eight categories emerged from the workshop, and was analysed qualitatively to generate an assessment of the significance of each category. These were written up and comprise the concluding assessment for each for the thematic chapters, demonstrating the centrality of the consultation and engagement process in the production of this strategy. The</p>

	<p>outcome of these assessments has shaped and fine-tuned the recommendations of the strategy in its current iteration.</p> <p>Further public consultation, via an eight-week borough wide process, yielded 63 comments from 26 participants. While demographic data was not forthcoming from many of the participants, the wide engagement and penetration of the consultation indicates that people with protected characteristics were able to participate.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	LOW	POSITIVE
Middle age	LOW	POSITIVE
Young adult	LOW	POSITIVE
Children	LOW	POSITIVE
<u>DISABILITY</u> Physical	LOW	POSITIVE
Mental	LOW	POSITIVE
Sensory	LOW	POSITIVE
<u>GENDER RE- ASSIGNMENT</u>	NONE	NEUTRAL
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	NONE	NEUTRAL
<u>PREGNANCY/MATERNITY</u>	NONE	NEUTRAL
<u>RACE</u>	NONE	NEUTRAL

<u>RELIGION OR BELIEF</u>	LOW	POSITIVE
<u>SEX</u>	NONE	NEUTRAL
Men		
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

<p>Mitigating negative impact:</p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	N/A
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<p>Is the decision relevant to the aims of the equality duty?</p> <p>Guidance on the aims can be found in the EHRC's <i>Essential Guide</i>, alongside fuller <i>PSED Technical Guidance</i>.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	YES
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	YES
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	YES

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments 	<p>Due regard has been made to the equality duty from start to finish of the Ashford Heritage Strategy.</p> <p>It is assessed that there will be no unlawful discrimination arising from the decision to adopt this document and, indeed, has engaged and will increase social and environmental engagement by particular groups. Any projects emerging from the Strategy will be assessed in EIA terms on their own merits.</p> <p>The proposal meets the aims of the equality duty as all sections of the community, including those with protected characteristics, have had the opportunity to comment on the draft Heritage Strategy during public consultations, and to participate in preparatory workshops.</p>
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<p>have been made or need to be made or whether any residual impacts are justified.</p> <ul style="list-style-type: none"> • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>The planning department is committed to ensuring that everyone is able to comment on plans that may have an impact on them, which is reiterated in the Statement of Community Involvement (SCI).</p> <p>This Strategy supports the Ashford Local Plan to 2030, and monitoring of the policies, procedures and decisions therein and their implementation will be reported in the annual Authority Monitoring Report (AMR).</p>
<p>EIA completion date:</p>	<p>18th September 2017</p>

Appendix 1: Representations made against the draft Ashford Heritage Strategy, and Officer Response

Between 7th July and 31st August a total of 63 representations were received from the following respondents:

1 Steve Salter	21 Spencer King
2 Sally Gathern	22 Moat Management Committee (Geoffrey White)
3 Aniko Szocs	23, 24, 25, 26, 27, 28 Kent Downs AONB Unit (Katie Miller)
4 Kennington Community Forum (Christopher Morley)	29, 30, 31, 32, 33 Corry Bain Smith
5, 6, 7, 8 Smarden Local History Society (Alex Ferris)	34, 35 Charing Palace Trust (Keith Adams)
9, 10, 11, 12 Newenden Parish Council (Åke Nilson)	36 High Weald AONB Unit (Claire Tester)
13 Ashford Borough Museum Society (Ian Sharp)	37, 38, 39, 40, 41, 42, 43, 44 Charing Archaeological Group (Tim Bain Smith)
14, 15 Stuart Brown	46 Margery Thomas
16 Chilmington Green CMO (Paul Naylor)	47 St Mary Westwell Parochial Church Council (Susan Wood)
17 Jeremy Peel	48 Westwell Parish Council (Sue Wood)
18 Tenterden Museum (Robin Wilkins)	49, 50, 51, 52, 53 Tylden Reed
19 Patric Nutton	54 Sandyhurst Lane Residents' Association (David Porter)
20, 45 Mary Walton	55, 56, 57, 58, 59, 60, 61, 62, 63 Charing Parish Council (Jill Leyland)

These are detailed as follows:

Objection

1 states that a number of listed and non-listed buildings that are not recognised sufficiently. This includes the Prince Albert Public House which, through inaction, has been de-listed. It states that the Council “has increasingly got it wrong” with regard to the protection of heritage, and should commit to full protection of heritage.

2 states that the emerging Local Plan to 2030 policy ENV13, relating to the conservation and enhancement of heritage assets, is at odds with planned development close to the Grade I listed church at Sevington.

11 notes “a feral apostrophe” in a sentence within Chapter 6.

Officer response: Noted. Grammatical errors corrected. The purpose of this strategy is to raise the prominence of heritage issues in ABC policy and decisionmaking.

Support

3, 16, 29, 30, 34, 35, 48, 49, 51, 54, 55 offer support for the Strategy and its aims

4 requests that the Council offers guidance for the protection of heritage assets on “unregistered land”, including resources to find owners for maintenance/repair, or to consider acquisition if owners cannot be found. The representation cites the Kennington War Memorial, and The Jubilee Pump House in Upper Vicarage Road which commemorates Queen Victoria's Golden Jubilee in 1887, as examples of such assets.

5, 17, 48, 61 request that Conservation Area Appraisal reviews are elevated in the agenda.

46, 48, 61, 63 supports and seeks guidance on local heritage lists, heritage statements and assessment of significance as a matter of importance, a programme of skills development and networking to ensure best-practice is achieved, and a general recognition of the intrinsic importance of heritage asset beyond their economic value.

Officer response: Already included within the aims of the Strategy, and further guidance on assessments is provided by Historic England as statutory body.

Ecclesiastical

18 supports the Strategy, and seeks expansion of Tenterden’s heritage assets in the document, to include Ecclesiastical Heritage.

40 provides additional details as to the structural development of local churches, as well as an indication of the hierarchy of significance between local churches.

47 seeks expansion of the description of St Mary, Westwell

Officer response: Further details noted. Tenterden’s ecclesiastical heritage is proportionately covered in the document; further details added to description of St Mary, Westwell.

Routeways

27, 28, 37, 49 welcome the promotion of tourism opportunities in relation to the historic environment, and appreciates the potential this Strategy offers to recognise and reinforce historic landscape character and distinctiveness of rural settlements, farmsteads and routeways.

36 proposes stronger wording to highlight the importance of heritage assets to the significance of the High Weald AONB.

41 discusses the history of Kentish routeway and road mapping from medieval copies of Roman road routings to the turnpikes and naming of routes.

48 notes the importance of routeways to Westwell parish through time - the Pilgrims Way, the A20, the Maidstone railway (1864), the M20 (1987) and CTRL (2004).

Officer response: Noted.

Historic Houses and Gardens

22, 37 seeks mention of Moat House, Lake and Woodland as an example of a fine Kentish Wealden House alongside a Victorian ornamental garden

18 supports the Strategy, and seeks expansion of Tenterden's heritage assets in the document, to include Smallhythe Place.

Officer response: *Smallhythe Place is already described within the Strategy in detail. More local work may be needed to ascertain the significance of the Moat House, Lake and Woodland in Charing.*

Industry and Commerce

18 supports the Strategy, and seeks expansion of Tenterden's heritage assets in the document, to include Tenterden High Street; Cinque Port Heritage; and Tenterden Market.

42 highlights that, while Small Hythe's shipbuilding was primary, other docks and/or slipways can be found in a wider area between Wittersham and Warehorne.

42 states that a number of wind and water mills remain unrecorded, and a project for doing so should be proposed.

48 seeks inclusion of Toll cottage and 18th Century Hare & Hounds pub at Potters Corner, and the similar Woolpack Inn at Tutt Hill - now repurposed sensitively and successfully as a Beefeater restaurant, though with a less sensitively designed Premier Inn in its setting

48 asks more is made of the loss of pubs, and the potential for heritage to support the rural economy.

57 says that Charing Windmill (Grade II listed) is not in a good state. This could be noted within the document.

Officer response: *The role of the Rother in promoting Wealden area trade has been expanded in this and the "Invasion and Defence" chapter. Tenterden's heritage assets and Cinque Port Heritage are already detailed in the Strategy. It is clear in the Strategy that heritage can and should promote both urban and rural tourism within the borough.*

There is also recognition that many heritage assets are as yet unrecorded within the borough. Inevitably there are more assets – especially undesignated assets - than can be recorded in this document. Guidance on local listing is recommended in the Strategy.

Invasion and Defence

43 supports mention of Godmersham in this section, and seeks expansion to detail uses in WWI, along with highlighting WWII bases near Bowl Inn, Charing, and RCAF airfield at Egerton.

Officer response: *Noted. Description of RCAF Headcorn amended to highlight its location within Egerton Parish.*

Railway

38 proposes more is made of the remains of the Kent & East Sussex Railway, and notes that Pluckley Station until recently was nearly in its original condition as designed by Cubitt.

Officer response: Agreed – importance of Pluckley Station now included.

Digitisation

6 and 8 support the use of heritage as a tourist development paradigm, supported by appropriate signage and marketing, and making the best use of multimedia and online platforms including social media.

37, 63 offer support for the digitisation of heritage items by local groups to enable wider circulation and recording for posterity.

Officer response: Noted.

Vulnerabilities and opportunities

30, 35, 53, 60 supports reference to Charing Archbishop's Palace as one of the borough's key at-risk assets, with the aim of removing these assets from the at-risk register.

46 states that a lack of awareness of heritage assets applies as much to more recent history as to prehistoric heritage.

7, 62 points out the need for adequate (brown) signage and branding for tourist trails, which could be mentioned within the Strategy.

46, 49, 50 and 52 support the participation of the voluntary sector and local people in restoration and management of heritage assets, with a greater voice for this group with decisionmakers, and reference to sources of potential funding for heritage projects.

13 supports the Strategy, and requests that it goes further through establishing a principle of "preservation; not demolition". States that it is more foresighted to retain buildings, even if not listed, as visitor draw to the town in particular.

32, 59 strong support for a Heritage Champion to ensure the Strategy is implemented and for Parish Councils and Local Groups to turn to in heritage matters.

44, 48 seeks the results of heritage exploratory work, including the CTRL findings and those resulting from recent development proposals, to be circulated to local history societies to be able to better understand the opportunity areas and local assets.

58 requests that a commitment to conserving and enhancing historic centres of towns is reinstated in the Ashford Local Plan.

Officer response: Noted. Recognition of unpublished CTRL material now included within relevant discussion box within the Strategy.

Omissions

Archaeology

56 notes that there are a further two moated sites in Charing not mentioned in paragraph 2.1.20. These are former moated sites, but not enough is known about the buildings and their relation to the Archbishops Palace.

Officer response: Clarification to state that the moated sites identified are Scheduled Monuments, and that others exist within the borough.

Routeways and landscape

23, 25 seeks reference within the document to the AONB Management Plans and the significance of the Pilgrims Way/North Downs Way as a National Trail.

24 seeks recognition of historic features that remain to this day that are associated with ancient farmed landscape.

Officer response: An expanded section highlights the potential for the National Trail to lead to tourist opportunities and development of heritage assets in the northern part of the borough.

Historic Houses and gardens

22 requests inclusion of Moat Lake and Woodland, Charing, in the Strategy as an example of a Victorian landscape garden.

Officer response: More local work may be needed to ascertain the significance of the Moat House, Lake and Woodland in Charing.

Ecclesiastical

9, 10 and 12 requests that St Peter's, Newenden, and accompanying description is included in the chapter on Ecclesiastical Heritage,

31 seeks further detailed study of Newlands Chapel, Charing.

Officer response: Although listed, St Peter's Newenden is a fraction of a previously larger church. There is always potential for groups to undertake further study of any heritage asset.

Industry and commerce

19 seeks greater guidance for the retention of historic facades in Ashford town centre.

Officer response: This is best placed coming out of work on the Ashford Town Centre Conservation Area Appraisal and Management Plan.

Invasion and defence

9, 10 and 12 seeks greater acknowledgement of Newenden as an ancient settlement, and recognition of the historic function of the River Rother at Newenden Bridge.

20, 21, 45 ask that greater emphasis is placed on the non-military aspects of invasion and defence, to include the extensive sea defence and drainage structures in the south of the borough, along with an amended description of the Rhee.

Officer response: Agreed – expanded section on defences against nature focusing on the Weald area.

Railways

14 and 15 ask particular attention be paid to the Newtown Railway Works site, and a positive strategy developed for its future. In general terms, the respondent seeks that development is directed to brownfield land, with a preference to that which involves the restoration of historic assets.

Officer response: An expanded section on the Southern Railway Works at Newtown is now included within this chapter.

Vulnerabilities and Opportunities

27 proposes that a local lack of skills and sustainably sourced materials for works to historic buildings may be a limiting factor for local heritage intervention work.

33 proposes a contextual explanation of the Historic Town Survey maps at Appendix 4.

Officer response: Noted. Preface added to Appendix 4 detailing study.

Ashford Borough Council
Heritage Strategy
October 2017



Contents

Executive Summary	5
1. Ashford’s Heritage Offer.....	7
1.1 Introduction.....	7
1.2 What is a Heritage Asset?	8
1.3 Aims of this Heritage Strategy	9
1.4 Structure of this Strategy	10
1.5 Policy Context.....	11
2. Ashford’s Heritage.....	16
2.1 Overview of the History of Ashford Borough	16
2.2 The Heritage Assets of the Borough	25
2.3 Local Heritage Lists	32
3. Heritage Themes.....	33
3.1 Categorisation of heritage assets into broad themes	33
3.2 Assessment of Significance	36
3.3 Participation and engagement	39
4. Prehistory and Archaeology	42
5. Farming and Farmsteads	49
6. Routeways	58
7. Historic Houses and Gardens	70
8. Ecclesiastical Heritage	78
9. Industry and Commerce.....	94
10. Invasion and Defence.....	105
11. The Railway.....	113
12. Vulnerabilities and Opportunities	122
12.1 Vulnerabilities	122
12.2 Generic Vulnerabilities.....	122
12.3 Specific Vulnerabilities.....	123
12.4 Opportunities	125
13. Taking the Heritage Strategy Forward.....	132
13.1 Introduction.....	132
13.2 Relationship with other Borough Council Strategies	132

13.3	Heritage Strategy Objectives	134
13.4	Objective One.....	134
13.5	Objective Two.....	136
13.6	Objective Three	138
13.7	Objective Four	140
14.	Conclusions	146
14.1	What next?	146
14.2	Next steps, stakeholders and ownership of delivery	146
14.3	Programming, monitoring and review	147
14.4	Funding and resources.....	147
	Bibliography	150
	APPENDIX 1	152
	Scheduled Monuments	152
	APPENDIX 2	155
	Registered Parks and Gardens.....	155
	APPENDIX 3	156
	Conservation Areas.....	156
	APPENDIX 4	157
	Historic Towns Survey Maps.....	157
	<i>Table 1: Total number of listed building entries by Local Authority in Kent</i>	<i>7</i>
	<i>Table 2: Structure of this Strategy.....</i>	<i>11</i>
	<i>Table 3: Heritage Assets on Historic England's 'Heritage at Risk' Register 2017.....</i>	<i>27</i>

<i>Figure 1: Willesborough Windmill</i>	6
<i>Figure 2: Roman bull figure found by the Great Stour in Godinton Park</i>	19
<i>Figure 3: PLUTO routes across the Channel</i>	24
<i>Figure 4: Areas of Archaeological Potential</i>	31
<i>Figure 5: Workshop held at Woodchurch on 3rd November 2016</i>	40
<i>Figure 6: Warrior burial during excavation at Brisley Farm</i>	41
<i>Figure 7: 'Prospect of Julabers Grave from Chilham May 24 1725'</i>	46
<i>Figure 8: Farmhouse in the east of the borough.</i>	48
<i>Figure 9: Distribution of Lookers' Huts in the Marsh area</i>	56
<i>Figure 10: Sunken track through the North Downs Way</i>	57
<i>Figure 11: The Gough Map (circa 1360)</i>	58
<i>Figure 12: Supposed route of the Pilgrim's Way</i>	60
<i>Figure 13: Several of the main Roman routes through Kent</i>	65
<i>Figure 14: Layout of the Palace Complex, Charing</i>	68
<i>Figure 15: Godinton House and Gardens</i>	69
<i>Figure 16: Publications relating to Eastwell's Queen Marie</i>	72
<i>Figure 17: Priest (Pest) House at St Mary the Virgin, Great Chart</i>	77
<i>Figure 18: Ashford Cattle Market in the High Street</i>	92
<i>Figure 19: Gas cylinder gate post at Chilmington Green</i>	104
<i>Figure 20: Map showing the Rhee Wall and Knelle Dam</i>	110
<i>Figure 21: Entrance to the South Eastern Railway Works (circa 1910)</i>	112
<i>Figure 22: The borough's railway lines</i>	116
<i>Figure 23: Ashford Railway Works at Newtown in the early twentieth century</i>	120
<i>Figure 24: Charing Archbishop's Palace Great Hall, December 2016</i>	121
<i>Figure 25: Map of the Ashford Heritage Trail</i>	130
<i>Figure 26: The Hubert Fountain, Victoria Park, Ashford</i>	131
<i>Figure 27: Open gates at Victoria Park, Ashford</i>	145

EXECUTIVE SUMMARY

Ashford Borough is home to an extraordinarily rich and significant stock of heritage assets which provide important and wide-ranging evidence of the rural history of this country and its tapestry of rural settlements. The Borough's heritage is extensive too, with more listed buildings than any other in Kent, and with more grade 1 and II listed buildings than other districts also.*

This Heritage Strategy describes the rich history of Ashford Borough and its broad wealth of heritage assets. In doing so it responds to, and is compliant with the requirement for a 'positive strategy for the conservation and enjoyment of the historic environment' promoted by the NPPF. It sets out how the historic environment can play an important role in delivering regeneration in the Borough, particularly supporting the objectives of the Local Plan for the regeneration of Ashford Town Centre, and the role of heritage in growing the tourism offer of the Borough. Having regard to the Government's localism agenda, the Strategy promotes an agenda of further understanding and engagement with the historic environment, where the public play a leading role in delivering the outcomes of the strategy and shaping where they live, work and visit.

Ashford's attractive natural environment, including two Areas of Outstanding Natural Beauty and the successful Ashford Green Corridors initiative are widely recognised. However, the historic environment is equally one of the Borough's most valuable assets, and one which can and should play an important role in its future development.



Figure 1: Willesborough Windmill - grade II listed and recently restored Smock Mill. The mill was awarded a Heritage Lottery Grant in 2006 to replace the sails, is open as a museum, and functions as an education centre and wedding venue. (Photo: Brian Stamp)

1.ASHFORD'S HERITAGE OFFER

1.1 Introduction

1.1.1 The geographical position of Ashford Borough has long been a dominant factor in its history and development. From the drovers' routes of the early medieval period to the high speed national and international railway lines of today, the location of the borough at the convergence of strategic communication routes has been instrumental in shaping its heritage.

1.1.2 Covering an extensive land area which encompasses parts of both the High Weald and Kent Downs Areas of Outstanding Natural Beauty (AONBs) as well as the fertile agricultural land of the Low Weald and the reclaimed and protected landscapes of Romney Marsh, Ashford Borough is home to the greatest number of listed buildings amongst local authorities in Kent (Table 1, below) and has significantly higher numbers of Grade I and Grade II* buildings. This rich historic environment has played a major role in shaping the Borough's development and identity and, as the NPPF encourages, provides a unique opportunity for place-making and guiding and stimulating regeneration.

	Grade I	Grade II*	Grade II	Total	Kent Ranking
Ashford	52	130	2,213	2,395	1
Canterbury	62	79	1,735	1,876	5
Dartford	7	10	165	182	12
Dover	39	110	1,782	1,931	4
Gravesham	10	21	278	309	11
Maidstone	43	104	1,876	2,023	3
Sevenoaks	31	92	1,523	1,646	6
Shepway	30	39	844	913	10
Swale	37	90	1,311	1,438	7
Thanet	11	27	994	1,032	9
Tonbridge & M	38	76	1,197	1,311	8
Tunbridge Wells	28	133	2,091	2,252	2
Totals	388	911	16,009	17,308	
LA Averages	32	76	1,334	1,442	

Source: National Heritage List for England, Historic England, 2017

Table 1: Total number of listed building entries by Local Authority in Kent

- 1.1.3 The Borough also boasts 42 scheduled monuments, 43 Conservation Areas, 6 Registered Parks and Gardens (see appendices).
- 1.1.4 At the community engagement exhibitions and workshop held during the course of preparing this Strategy, residents and representatives of amenity and interest groups were asked to name up to three heritage assets of this borough that were special to them. The results reflect the rich variety of heritage Ashford borough is fortunate to be home to. They included, in order of popularity, the Royal Military Canal, Godinton House and Gardens, Ashford's railway heritage, the Archbishop's Palace in Charing, Victoria Park in Ashford and its Hubert Fountain, Brook Church, Tenterden High Street, the Old Corn Exchange in Middle Row Ashford, the Cloth Hall in Smarden, Willesborough and Woodchurch windmills and the stock mill in Wittersham, St James church Egerton, Wye College and the Latin school, the Smallhythe shipbuilding area, Appledore High Street, Tenterden Museum, Chilham castle, square and church, the Ellen Terry museum at Smallhythe, Little Chart church, the Ashford Mark IV tank, the Pilgrims Way, St Marys Ashford, the market wall, Elwick Road Ashford, Kenardington Church and the Kent and East Sussex railway.
- 1.1.5 This Heritage Strategy seeks to understand and clarify the significance of such a wealth and wide-ranging nature of historic assets in the Borough of Ashford, and to establish how this rich heritage offer can positively contribute to the future of the borough and the key sustainability objectives of the Local Plan 2030. In addition, the document sets out recommendations to ensure that future policies and approaches to the Borough's heritage are based on a clear understanding of its significance and its value in order to ensure that the heritage of the Borough plays a clear role in shaping future regeneration, development and management decisions.

1.2 What is a Heritage Asset?

- 1.2.1 The term heritage asset was introduced in Planning Policy Statement (PPS) 5, carried forward into National Planning Policy Framework (NPPF) and is defined as

A building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

1.2.2 The NPPF defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

NPPF Annex 2

1.2.3 Heritage assets have always been shaped by the local environment and its people, and in turn help to shape that environment and its communities in the future. They have a significant role to play in creating a sense of place and acting as a catalyst for regeneration. This Strategy is founded on the reality that Ashford Borough's heritage assets add distinctiveness, meaning and identity to the borough and are an exceptionally valuable local resource.

1.3 Aims of this Heritage Strategy

1.3.1 National planning guidance emphasises the need for planning policy and management to focus on the positive benefits of heritage. It is therefore important that the significance of the Borough's heritage assets is taken into account in future development management, regeneration and plan making, and that opportunities are sought, wherever possible, to enhance the Borough's heritage assets.

1.3.2 In line with national policy and guidance this Heritage Strategy aims to

- A. Assess the significance of the heritage assets of the Borough, the contribution they make to its environment¹ and their potential to contribute to the delivery of other sustainable development objectives;**
- B. Set out a positive strategy for the conservation and enjoyment of the heritage of the Borough²;**

¹ NPPF paragraph 169

² NPPF paragraph 126

- C. Provide a clear strategic basis for shaping the policies of the Local Plan³, future regeneration initiatives and development management decisions;**
- D. Enable the Council to achieve its objectives for the protection and enhancement of the historic environment as set out in the Local Plan;**
- E. Assess the likelihood that currently unidentified heritage assets will be discovered in the future⁴**
- F. Demonstrate by way of examples how heritage has added value to developments.**

1.4 Structure of this Strategy

- 1.4.1 Local Plans are required to enable the delivery of sustainable development in accordance with the National Planning Policy Framework (NPPF)⁵. The definition of sustainable development as set out in the Framework includes contributing to protecting and enhancing the historic environment.
- 1.4.2 The Ashford Borough Heritage Strategy is based on advice provided by Historic England ⁶ on how to achieve the objectives of the NPPF for the historic environment and thereby create a sound Local Plan. To this end, it firstly provides an up-to-date evidence base of the historic environment of Ashford Borough. This is set out in Section 2 and includes an introduction to the rich and varied history of the borough, a description of its heritage assets, and an overview of the likely nature and presence of currently undesignated and unidentified heritage.
- 1.4.3 On the advice of KCC Heritage the identification of a number of key heritage themes, and an assessment of their significance drawing on

³ Consultation on the Regulation 19 Draft Ashford Local Plan ran from 15 June until 10 August 2016. This draft Heritage Strategy has been progressed in parallel and has shaped the Draft Heritage Policies (ENV13, ENV14 and ENV15) of that Plan.

⁴ NPPF paragraph 169

⁵ NPPF paragraphs 151 and 182

⁶ *The Historic Environment in Local Plans*, Historic England (July 2015) and *Heritage in local plans: how to create a sound plan under the NPPF*, English Heritage (July 2012)

procedural advice provided by Historic England⁷ is set out in Section 3⁸. Section 4 outlines the vulnerabilities and opportunities facing the Borough’s heritage assets. Finally, Section 5 sets out approaches to taking this Heritage Strategy forward and Section 6 the recommendations of the Strategy.

Section 1	Introduction to the Strategy, Objectives and Policy Context
Section 2	Evidence base of the historic environment of Ashford Borough
Section 3	Heritage themes for Ashford Borough and an assessment of their significance
Section 4	Vulnerabilities and Opportunities
Section 5	Taking the Heritage Strategy forward
Section 6	Recommendations

Table 2: Structure of this Strategy

1.5 Policy Context

National Planning Policy Framework

1.5.1 The protection and enhancement of the historic environment runs through all areas of the NPPF. The NPPF defines the purpose of the planning system as the achievement of sustainable development. The definition of sustainability as set out in **paragraph 7** includes contributing to protecting and enhancing the historic environment. The Core Planning Principles of the NPPF therefore include the conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations (**paragraph 17**).

1.5.2 To meet such objectives, local planning authorities are required to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through

⁷ *Conservation Principles, policies and guidance*, English Heritage (2008)

⁸ The grouping of assets into themes is an approach that was adopted in the Dover District Heritage Strategy (2013) and continues to be promoted by Kent County Council as the appropriate methodology in Heritage Strategies.

neglect, decay or other threats. In developing this strategy, local planning authorities should (**paragraph 126**) take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

1.5.3 The strategic priorities of a Local Plan should deliver the conservation and enhancement of the natural and historic environment, including landscape (**paragraph 156**). Crucially, Local Plans should identify land where development would be inappropriate, for instance because of its historic significance, and contain a clear strategy for enhancing the natural, built and historic environment (**paragraph 157**).

1.5.4 Finally, the NPPF requires local planning authorities to have up-to-date evidence about the historic environment in their area and to use it to assess the significance of heritage assets and the contribution they make to their environment. This evidence should also be used to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record (**Paragraph 169**).

Existing Ashford Borough Planning Policies

1.5.5 Of the policies of the **Ashford Borough Local Plan 2000** relating to the heritage assets of the Borough, many have now been superseded by other development plan documents or changes in national planning policy. However, three saved policies continue to apply until the adoption of the Local Plan 2030. **EN16 Development in Conservation Areas** sets out criteria that will be required to be met if development or redevelopment is proposed in a conservation area. **EN23 Sites of Archaeological Importance** protects important archaeological sites from development unless applications have adequately demonstrated that the site will be satisfactorily preserved in situ or by record. Thirdly, **EN28 Historic Parks and gardens** protects such elements of the heritage of the Borough from development which would harm their setting or character.

- 1.5.6 The **Ashford Core Strategy 2008** sets out the strategic vision for development in the Borough until 2021. **CS1: Guiding Principles** provides the key planning objectives. These include the conservation and enhancement of the historic environment and built heritage of the borough. The **Tenterden and Rural Sites DPD 2010** requires development in rural areas of the borough to have particular regard to the presence and pattern of historic landscape features (**TRS17**).

Publication Draft Ashford Local Plan

- 1.5.7 Consultation on the **Publication Draft Ashford Local Plan** ran from 15 June 2016 until 10 August 2016. This Draft Plan will supersede the saved policies of the Ashford Borough Local Plan (2000), the Ashford Core Strategy (2008), the Ashford Town Centre Area Action Plan (2010), The Tenterden and Rural Sites Development Plan Document (2010) and the Urban Sites and Infrastructure Development Plan Document (2012). Once adopted, the Council's statutory development plan will consist of the Ashford Local Plan, the Chilmington Green Area Action Plan (2013) and any 'made' neighbourhood plans.
- 1.5.8 Three policies in the Draft Local Plan address the protection and enhancement of the heritage assets of the borough. Draft Policies **ENV13 Conservation and Enhancement of Heritage Assets**, **ENV14 Conservation Areas** and **ENV15 Archaeology** apply and are set out below.

Policy ENV13 – CONSERVATION AND ENHANCEMENT OF HERITAGE ASSETS

Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

All applications which will affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.

Policy ENV14 - CONSERVATION AREAS

Development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area. Proposals should fulfil each of the following:

- a. the scale and detailed design of all new development and alterations should respect the historical and architectural character, proportion and massing, including roofscapes, of the area, the relationship between buildings, the spaces between them and with their setting;**
- b. the materials proposed should be appropriate to the locality and in sympathy with the existing buildings;**
- c. buildings and streets of townscape character, trees, open spaces, walls, fences or any other features should be retained where they contribute positively to the character and appearance of the area;**
- d. the development should not generate levels of traffic, parking or other environmental problems which would damage the character or appearance of the area; and**
- e. the use should be appropriate.**

Proposals for inappropriate demolition, alteration or extension of buildings in Conservation Areas or which could prejudice important views into or out of a Conservation Area, will be resisted where such proposals would be detrimental to their character or setting.

Policy ENV15 - ARCHAEOLOGY

The archaeological and historic integrity of Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced. Development which would adversely affect such designated heritage assets will not be permitted. Planning applications, on sites where there is, or is the known potential for, an archaeological heritage asset, should include an appropriate desk based assessment of the asset. In addition, where important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of the determination of planning applications.

Where the case for development affecting a heritage asset of archaeological interest is accepted, the archaeological remains should be preserved in situ as the preferred approach. Where this is not possible or justified, appropriate provision for preservation by record may be an acceptable alternative. Any archaeological recording should be by an approved archaeological body and take place in accordance with a specification and programme of work to be submitted to and approved by the Borough Council in advance of development commencing.

Neighbourhood Plans

- 1.5.9 A number of parishes in the Borough are in the process of producing Neighbourhood Plans. Such plans are designed to give local people direct powers to shape a shared vision for their community, and to ensure that the right types of development is delivered locally. Many of these designated neighbourhood areas – including Wye, Pluckley, Bethersden, Boughton Aluph, Charing, Egerton and Rolvenden – have significant demonstrable heritage assets. It is hoped that the evidence contained within this Strategy will provide useful tools for communities developing Neighbourhood Plans, in particular enabling articulation how those heritage assets that have a special significance to their community relate to the borough's wider historic environment objectives.

2. ASHFORD'S HERITAGE

2.1 Overview of the History of Ashford Borough

2.1.1 The overall character of the borough today is one of a long- settled rural landscape. The large number of highly attractive small historic settlements and the two major market towns of Ashford and Tenterden, have developed along the many strategic trading, farming, pilgrimage and transportation routeways which have developed here over the centuries. In such a rural landscape, farming and industries associated with the land have had an obvious significant influence on Ashford's heritage assets, but geographical location has also been a dominant factor in shaping the history and heritage of the borough, and is one which looks likely to continue to shape to its future.

Physical Geography

2.1.2 Kent's physical geography is often said to be dominated by four factors – the coastline, river systems, chalk downlands and the Weald. While Ashford is a landlocked borough now, its history has well been defined by all of these aspects. Its geology is also simplistically defined by the dipping to the north of all visible layers of sediment, while processes of erosion have expose outcrops which have a generally west-east directional trend across the borough. The variable resistance of each of these outcrops has resulted in very different landscapes and landscape features, and have resulted in rather different settlement patterns and mineral exploitation.

2.1.3 Beginning in the south of the borough, the High Weald (clays) (Tenterden, Rolvenden) generally supported iron-working industries in early periods. Next to this, the Low Weald's variable clays formed some of the lower lying areas (Biddenden, Hamstreet). To the north-east the Chart Hills, a series of Lower Greensand beds, produced the main local building material – Kentish Ragstone (Ashford, Egerton). The Holmdale (Charing, Brabourne), a narrow vale of Gault clay, intervened before reaching the Chalk Downs (Chilham), the highest part of the borough.

2.1.4 These geological bedrocks have resulted in particular soil types which were fundamental in determining types of land use undertaken. Traditionally, Wealden clays remained waterlogged and were left for woodland or pasture. The best and most fertile soils, with a loam or silt

matrix, were found in the foothills of the Downs and on the Lower Greensand beds.

- 2.1.5 Due to its river systems, the borough looks in several different directions. The River Beult flows into the Medway system, which rises in the High Weald northwards to its large estuary. The River Stour runs southwest to northeast and emerges via the Wantsum in the east. Finally, the River Rother rises in the southern part of the High Weald in Sussex and flows into the Channel south of the Romney Marsh, and has played a major part in the development of the borough's southern settlements.

Prehistory and Archaeology

- 2.1.6 The woodlands of the North Downs provide valuable evidence of thousands of years of human activity in the borough. Thanks to such assets the previous idea of a dense unbroken swathe of woodland covering much of the Kent landscape in prehistoric times – the “Forest of Anderida” - has been replaced by an understanding that this was a largely managed and farmed landscape, with forest and wild wood clearance providing open wood-pastures created for, and maintained by, grazing stock. Evidence occurs in the form of earthworks, monuments and place names. Important earthworks from this period include the nationally significant site known as “Julliberries Grave”, a neolithic long barrow located in the Stour Valley near Chilham. Long barrows are amongst the oldest field monuments still visible in the landscape today, dating from between 3,400 and 2,400 BC. Excavations here, together with cores taken from the Devils Kneading Trough at Brook, have revealed important evidence of a predominantly wooded environment in the borough, giving way to open grassland where settlements gradually took shape.
- 2.1.7 There is notable evidence of Bronze age activity, but the most significant surviving assets are funerary sites including the four bowl and one saucer barrows all in the north of the Borough, including at Godmersham, Crundale, Egerton and Wye. These barrows were constructed as earthen or rubble mounds, sometimes ditched, which covered single or multiple burials. These are a major historic element in the modern landscape and their considerable variation of form and longevity as a monument type provide important information on the diversity of beliefs and social organisations amongst early communities.
- 2.1.8 The Iron Age which followed was a particularly significant period in the shaping of the landscape of the borough. Iron-working was prevalent in the

High Weald, with iron being smelted using charcoal from the plentiful local timber supplies. Such workings lead to widespread woodland clearance, speeding up a practice which had already begun with the increased keeping and grazing of stock, particularly pigs.

- 2.1.9 Ashford's heritage provides important evidence from the late Iron Age period of British history, including the important archaeological remains found at Brisley Farm on the southern edge of Ashford which contained two warrior burials dated to the 1st century AD. Buried about a generation apart, these burials are the latest of their type recorded in Britain and the later of the two is the last known in Europe. They are of national, if not international, importance, revealing a rare tradition in southern Britain which had close parallels to continental practices. Excavations here revealed that these burials were part of a wider complicated prehistoric and Roman landscape, composed of fields, ditched enclosures, buildings, trackways and sacred monuments, which had developed over many years.

Roman times

- 2.1.10 The Late Iron Age saw the expansion of the Roman Empire across continental Europe, exposing southern Britain to new trade routes and a range of new technologies, ideas, and goods. Caesar headed expeditions to Kent in 55 and 54 BC and permanent invasion in 43 AD led to the construction of major roads in Kent. The iron working industry in the Weald was further developed by the Romans. They built new roads or improved earlier trackways to connect iron production with the coast and to the rest of the country, linking important settlements that were created during this period, such as at Canterbury. Limited evidence of the network of Roman roads has been uncovered in the Borough including at Westhawk Farm, where a major settlement, on the southern edge of the current town of Ashford was partially excavated (most was preserved intact). This Roman roadside small town included a shrine or temple, and a Roman cemetery, whilst an Iron Age burial was discovered at a junction of the two Roman roads to Lympne and Canterbury. Heritage assets dating from the Roman period have also been unearthed at sites across the Borough including at Aldington where villas, and burial mounds as well as coins and tiles have been uncovered.

The Anglo-Saxon period

2.1.11 It is believed that the origins of the current town of Ashford lie in the ninth century, although there is increasing evidence that its strategic position had been growing in importance since Roman times. It lay at the junction of two main Roman roads, one from London to Lympne (a Roman port), and the other from the Weald, through Canterbury to the port of Richborough, along which iron ore from the Weald was transported. Recent housing development at Westhawk Farm south of Ashford has revealed important evidence of a Roman settlement here. Other remains of the Roman era in the borough include a mithras altar in the parish church at Stone-cum-Ebony on Romney Marsh and a bull statue found in the Great Stour near Godinton.



Figure 2: Roman bull figure found by the Great Stour in Godinton Park in 1990 (Photo: Ian Wolverson)

2.1.12 Ashford town is included in the Domesday Book of 1086, when it was known by its original Saxon name of Essetesford. The name Ashford comes from the Old English *æscet*, indicating a ford near a group of ash trees.

2.1.13 Influence of the transhumance system of herding stock, mainly pigs from one area to another with the changing seasons may have been introduced by Anglo Saxon settlers and is particularly visible in the Borough in the pattern of numerous settlements ending in the word 'den' (meaning a woodland swine pasture). Examples include Biddenden (Bidda's woodland pasture), Rolvenden (Hrodwulfs woodland pasture) and Tenterden (pasture of the men of Thanet). The well-established settled landscape of the Borough is further evidenced by the numbers of present day villages which were included in the Domesday Book of 1086. These include Crundale, Godmersham, High Halden, and Mersham.

Medieval times

2.1.14 Ashford's importance as an agricultural and market town was recognised as early as 1243, when Henry III granted the town a charter to hold a market for livestock. By 1600 Ashford was a well-established market town, befitting its excellent strategic location at the centre of good road connections to the port of Faversham, and the towns of Canterbury, Hythe, Romney Marsh and the Weald. At that time the town consisted of a small collection of medieval housing, grouped around the parish church of St. Mary the Virgin. The present 'Middle Row' was known as 'The Shambles' and provided popular markets for fish, corn, meat, butter and most importantly, livestock. A thriving market was held in the High Street until 1856 when local farmers and businessmen relocated to Elwick Road and formed a market company - the oldest surviving registered company in England and Wales.

2.1.15 At this time Charing, also, was a settlement of particular significance. Situated along the pilgrimage route to Canterbury and on the main road between Maidstone and Ashford, in the eleventh century the manor of Charing came under the direct administration of the archbishopric, and kept for the archbishop's use. The Archbishop's Palace was made-over and extended during the thirteenth and fourteenth centuries, situated within a walled enclosure of some 4.94 acres. A market grew in front of the archbishop's gate, which was gradually replaced from the fifteenth century with permanent shops along a north-south alignment to the west of the residence. After years of royal patronage, Charing fell into decline as an ecclesiastical centre following the Reformation, although the Palace complex remains one of the borough's most significant heritage assets, yet is by far its most threatened.

- 2.1.16 Tenterden the second settlement of the borough, has a rich and distinctive historic heritage in its own right. The town first rose to prominence as a centre for the wool trade in the 13th Century. The town, unlike other wool centres in the Weald, had the advantage of access to the sea as much of what is now Romney Marsh was then open water. Ships could be beached at Smallhythe (the -hythe suffix means 'port'), on the southern edge of the town. Initially established to transport timber out of the Weald, wood was subsequently increasingly used to construct ships. Between 1416 and 1420 Henry V's balinger the George was built at Smallhythe, at the high-point of this industry there. In 1449 Tenterden was incorporated into the Confederation of Cinque Ports as a limb of Rye.
- 2.1.17 As a Cinque Port, Tenterden enjoyed virtual self-government, was exempt from national taxation and represented at the coronation of the monarch. By the mid 16th Century however, the waterways of the Romney Marsh silted up and resultant changes in the coastline meant that Tenterden lost all access to the sea, so that today it is some ten miles from the coast although it remains a member of the Cinque Ports. The town continued to prosper however and by the 18th century, access to the rich grazing lands of the marsh and the cultivation of fruit and hops on surrounding higher land continued to bring wealth to the town which became established as an important market and service centre.
- 2.1.18 The changing coastline of the English Channel and in particular the direct access to the sea that southern areas of the current Borough of Ashford enjoyed up until the 15th and 16th Centuries plays an important part in its history. Appledore for example also has its origins as a port on the Rother estuary. In 893 AD 250 Danish longships used this as a base for a Viking invasion of England, sacking nearby settlements including Great Chart and attacking Saxon camps set up to defend places such as Kenardington and Newenden. The burgh (a defended camp or settlement) at the latter is archaeological evidence for this period and for later defensive needs. Appledore prospered as a market town until the Rother was diverted to the other side of Oxney in the 17th century.
- 2.1.19 During the 15- 16th centuries the cloth and wool trade flourished in the Borough, particularly in the southern and western parts, providing a rich legacy of buildings dating from this period. Biddenden, for example, has a number of significant heritage assets from this important period of the Borough's history including the Grade 1 listed Old Cloth Workers Hall, one of the workshops of the cloth workers who were numerous in Biddenden in the middle ages. The wool industry also brought prosperity to Smarden

which has a strong weaving heritage, evidenced by its Grade II* 15th Century Cloth Hall. Other agricultural industries, including brewing and hence, hop growing, also shaped the landscape of the surrounding borough, with farmsteads and oast houses a strong characteristic of the countryside here.

2.1.20 All in all, there is significant evidence of a well-settled and prosperous agricultural society in the Borough during medieval times and beyond. The Borough has seven scheduled moated sites, at Rolvenden, Pluckley, Wittersham, Egerton, Brook, Great Chart, Mersham and Sevington, and a great many other unscheduled sites, the majority of which served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status symbol rather than a practical military defence. These form a significant class of medieval monument and indicate the concentration of wealth and status in the countryside. Of these, the Coldbridge Farm site in Egerton is held as one of the most complete examples of a fortified manor in the South East of England, with a particular focus on livestock rearing.

19th and 20th centuries

2.1.21 Ashford Borough's location has placed it on the frontline during threats of invasion. In 1804, the coast line of Romney Marsh was under threat from a French invasion by Napoleon. To defend the area the unique Royal Military Canal was built from Seabrook, near Folkestone around the Romney Marsh to join the River Rother near Rye. This was conceived of as a fortified waterway but by the time it was fully ready for use the threat of invasion had largely passed. In 1807 it was opened to navigation instead by collecting tolls for the transportation of produce and goods. The Royal Military Canal is a scheduled monument and a significant and distinctive feature of the heritage of the Borough, running through the countryside of nine of its parishes.

2.1.22 Probably the greatest influence on the more recent growth of Ashford town was the early arrival of the railway in 1842 and the decision by the South Eastern Railway Company to build the Railway Works and the "New Town" for the workers in the town in 1846. The Railway Works dominated the town and nearly 1,000 locomotives were built or re-built there before the works closed in 1981.

2.1.23 During both World Wars, Ashford's importance as a transport hub and its location between the continent and London made it a target for aerial

bombing, although the town and the Borough as a whole fortunately escaped largely unscathed from bombardments. In the First World War airfields were built at Wye and Wittersham, and an airship located at Godmersham, to patrol the approach to London as part of 45 airfields in Kent constructed 1915-1918. Additionally, the Pluckley Remount Depot provided horses to the armed forces during World War I, demonstrating another aspect of military value found in the Borough's rural nature.

2.1.24 Repton Manor Estate, a medieval manor house to the west of Ashford town, was acquired by the Ministry of Defence in 1939 and in the Second World War this became Rowcroft Barracks to provide ordnance and other storage facilities for serving troops. During the 1950s, Templer Barracks were erected as part of the operations of the Joint Services School of Intelligence who were based here until 1997 when the barracks, which lay on the path of the Channel Tunnel Rail Link, closed.

2.1.25 During the 1939-45 conflict Ashford Borough was, in common with the rest of Kent, in the front line of home defence. The defences built in earlier periods were re-commissioned, notably the Royal Military Canal to which concrete pill boxes were added. In the skies above the borough aspects of the Battle of Britain were fought out. In the later stages of the war Kent was subject to the V1 "Flying Bomb" offensive and one of these destroyed the medieval church at Little Chart in 1944. The ruins of this church are now a scheduled monument. Ashford Borough was also used in the run up to D-Day. This included the creation of several Advanced Landing Grounds as temporary airfields from which fighters and light bombers could more easily fly sorties over Europe and at which damaged planes returning to home could safely put down. Headcorn Aerodrome gave important military service to the RAF, RCAF and USAAF under the name RAF Lashenden as did Ashford (Chilmington Green) where the airfield was used by the RAF and American and Canadian air forces.

2.1.26 Still visible in local land patterns, the borough provided a land transit route for Operation Pluto (Pipe-Lines Under The Ocean), delivering oil under the Channel to support Operation Overlord. Two types of pipeline were developed: the flexible 'HAIS' (Hartley-Anglo-Iranian-Siemens) pipe with a 3 inch (75 mm) diameter lead core, weighing around 55 long tons per nautical mile (30 t/km), was essentially a development by Siemens Brothers (in conjunction with the National Physical Laboratory) of their existing undersea telegraph cables. The second type was a less flexible steel pipe of similar diameter, developed by engineers from the Iraq Petroleum Company and the Burmah Oil Company, known as 'HAMEL'

from the contraction of the two chief engineers, HA Hammick and BJ Ellis. It was discovered in testing that the 'HAMEL' pipe was best used with final sections of 'HAIS' pipe each end. Because of the rigidity of the 'HAMEL' pipe, a special apparatus code-named The Conundrum was developed to lay the pipe. The Kent connection came later on, following initial connections between the Isle of Wight and Cherbourg, with 11 'HAIS' and 6 'HAMEL' lines laid between Dungeness to Ambleteuse in the Pas-de-Calais as the Nazis retreated. Local groups have mapped the route of these pipes across the borough, and it is to be noted that Wye was used as a supply depot.

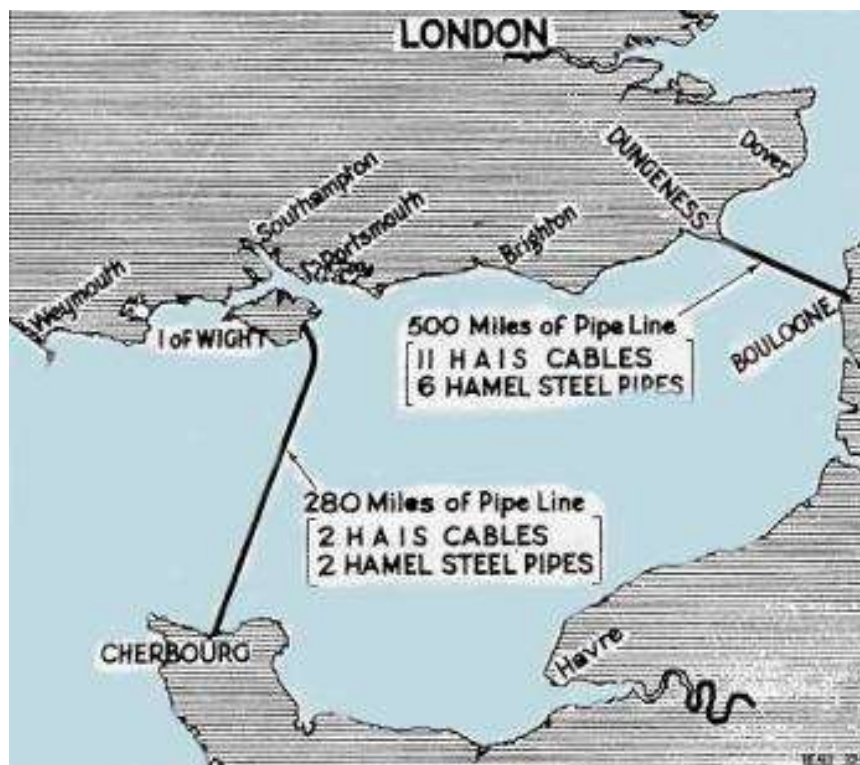


Figure 3: PLUTO routes across the Channel

2.1.27 The borough's communities have shown their respect for those making the ultimate sacrifice in the numerous War Memorials, commemorating those lost in both World Wars and subsequent conflicts. Six of these are grade II listed, including those at Rolvenden, Wittersham, Chilham, Great Chart, in the grounds of St Mary the Virgin in High Halden, and in Ashford's Garden of Remembrance.

2.1.28 Otherwise, heritage assets from the 20th century are not widely acknowledged. In part this is due to the inherent bias in the Historic Environment Record towards buildings from medieval to Victorian periods, but also it is probably reflective of a more widespread lack of understanding and appreciation of 20th century architecture. Recent assets

such as the Alfred Deller window in the church at Boughton Aluph and the market wall installation at Elwick Road, commemorating the former market site in Ashford are examples of attractive additions to the borough's heritage mentioned by those partaking of the exhibitions and workshop as part of the drafting of this Strategy and which date from this period. Indeed, the significance of the twentieth century to the development, character and identity of Ashford town cannot be underestimated. It is hoped that the Ashford Heritage Strategy will stimulate discussion and acknowledgement of more recent additions to the borough's heritage offer.

2.2 The Heritage Assets of the Borough

Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record.

NPPF paragraph 169

2.2.1 The National Heritage List for England (NHLE) is the only official database for nationally designated heritage assets. The term heritage assets encompasses all sorts of features, including buildings, parks and gardens, standing and buried remains, areas, sites and landscapes. Some heritage assets possess a level of significance that justifies designation as Scheduled Monuments, Listed Buildings, Registered parks and Gardens and Conservation Areas.

2.2.2 Other heritage assets may be indirectly provided with statutory protection. For example, Areas of Outstanding Natural Beauty (AONBs) of which there are two in this Borough are designated to protect the natural beauty of a landscape. The heritage assets found within the landscape may form an important part of the its significance of both the High Weald and Kent Downs AONBs. Indeed, the statutory management plans for these areas highlight a clear concern for heritage as follows:

High Weald Management Plan 2014-2019: "Time depth and objective analysis has defined the High Weald AONB as characterised by dispersed historic settlement, ancient routeways, an abundance of ancient woodland, wooded heaths and shaws, and small irregularly shaped fields. These are

all draped over a deeply incised and ridged landform of clays and sandstones with numerous gill streams, and are closely related to socio-economic characteristics that have roots extending deep into history. The essential character of the High Weald was established by the 14th century and has survived major historical events, and social and technological changes. It is considered to be one of the best surviving coherent medieval landscapes in Northern Europe"

Kent Downs AONB Management Plan 2014-2019: "Aside from these grand and dominant historic sites and structures, the multitude of smaller cultural and historic features also help characterise the landscape of the AONB. ... Networks of ancient hedgerows which still provide enclosure for livestock; wood and field banks which marked boundaries between different manors or estates, picked out with pollarded or 'stubbed' ancient trees; field patterns and lynchets revealing ploughing patterns from centuries ago; hollow ways and sunken lanes, now often byways, carved into the land by millennia of passing feet and hooves; and dene holes (deep excavations into the chalk) and borrow pits where rock and minerals were excavated."

The Historic Environment Record

2.2.3 Kent County Council holds the Historic Environment Record (HER) for the county. This provides the principle evidence base for this Strategy (although the inherent bias of the HER towards buildings, and the medieval period onwards is acknowledged). There are currently **2,394 statutory listed entries**⁹ in Ashford Borough, **42 Scheduled Monuments** and **6 registered historic parks and gardens**. Seven of these heritage assets are currently on Historic England's 'Heritage at Risk' register.

Site	Designation	Condition
No. 2 Palace Cottages and the remains of the gatehouse, Market Place, Charing	Listed Building grade I Scheduled Monument Conservation Area	Poor
Palace Farmhouse, Market Place, Charing, Ashford, Kent	Listed Building grade I Scheduled Monument Conservation Area	Poor

⁹ entries can include more than one property

Remains of Archbishops Palace, Market Place, Charing	Scheduled Monument and Listed Buildings – 2 grade I; 1 grade II. Conservation Area	Very Bad
Ruins of Church of St Mary, Pluckley Road, Little Chart, Ashford,	Scheduled Monument and Listed Building grade II	Poor
Late medieval threshing barn, Mersham Manor, Church Road, Mersham	Listed Building grade II*	Poor
Church of St Nicholas, The Street, Pluckley	Listed Place of Worship grade I Conservation Area	Poor
Castle Toll Saxon burgh and medieval fort, Newenden, Ashford, Kent	Scheduled Monument	Extensive significant problems

Table 3: Heritage Assets on Historic England's 'Heritage at Risk' Register 2017

2.2.4 Removal of these assets from the register should be a priority, which has been achieved in recent years for other assets, most notably the Medieval Undercroft in Bridge Street, Wye.

2.2.5 In addition to the six registered parks and gardens, the Borough is home to five additional historic houses and gardens identified as having historic importance in the Kent Gardens Trust/Kent County Council compendium.

Scheduled Monuments

2.2.6 Scheduled Monuments are those archaeological sites which are considered to be nationally significant and appropriate for this form of designation¹⁰. Scheduling is legal protection afforded specifically to archaeological sites, with the Ancient Monuments and Archaeological Areas Act of 1979 providing the legislative framework. The Scheduled Monuments in the Borough are listed in Appendix 1

¹⁰ As outlined in the DCMS publication, "Scheduled Monuments & nationally important but non-scheduled monuments" (October 2013)

Listed Buildings

2.2.7 Significant historic buildings or structures are also granted statutory protection by being placed upon the Statutory List of Buildings of Special Architectural or Historic Interest. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides the legislative framework for the Listed Building process. Listed Buildings are graded using the following criteria:

- Grade I buildings are of exceptional interest, sometimes considered to be internationally important; nationally only 2.5% of Listed Buildings are Grade I
- Grade II* buildings are particularly important buildings of more than special interest; 5.5% of Listed Buildings are Grade II*
- Grade II buildings are nationally important and of special interest; 92% of all Listed Buildings are in this class (and it is the most likely grade of listing for a home owner).

Registered Parks and Gardens

2.2.8 Since 1983 Historic England has maintained a Register of Historic Parks and Gardens of special historic interest in England. This Register is specifically concerned with gardens, grounds and planned open-spaces and the emphasis is on the significance of the place as a designed landscape, rather than its botanical importance. The Registered Parks and Gardens of Ashford Borough are listed in Appendix 2. Registration is a 'material consideration' in the planning process, meaning that planning authorities must consider the impact of any proposed development on the landscape's special character. As with Listed Buildings, the Registered Parks and Gardens are graded as per the following criteria:

- Grade I sites are of exceptional interest
- Grade II* sites are particularly important, of more than special interest
- Grade II sites are of special interest, warranting every effort to preserve them

Conservation Areas

2.2.9 Conservation Areas are designated where a place is of special historic or architectural interest, and where it is desirable to preserve or enhance its character and appearance. Conservation Areas are mostly designated by the Local Planning Authority. Owners or users of a property in a Conservation Area require permission to carry out certain types of alterations to that property, to demolish or substantially demolish a building and to notify their intention to cut down or prune trees in the area. Additional restrictions on small scale development and alterations within a

Conservation Area can be secured through the application of Article 4 and in particular Article 4(2) Directions which can be used to remove permitted development rights.

2.2.10 The Borough has **43 conservation areas**, listed in Appendix 3, which contain some of the best townscapes of the Borough and attractive areas of landscape which provide their settings. There are two areas where Article 4 (2) directions removing permitted development rights apply, Queens Street in Ashford and one on a row of terraced housing in Little Chart.

2.2.11 At present none of the Conservation Area Appraisals are publicly available. Past examples are now outdated, having been produced predominantly in the 1990s. Rectifying this situation is an area of work that will need to be addressed early in the life of the Local Plan 2030 in order to strengthen the policy protection for the Borough's Conservation Areas and to enable the production of a robust evidence base for determination of applications affecting such significant parts of the Borough's heritage.¹¹ Progress with the delivery of Conservation Area Appraisals and Management Plans for all Conservation Areas in the Borough early in the lifetime of the Plan is one of the Recommendations of this Strategy.

Non designated heritage assets

2.2.12 The majority of heritage assets will not be designated. As mentioned in 2.2.3 above the HER is acknowledged as having an in-built bias towards buildings, and the medieval period. Some heritage assets may be of a level of significance which would not warrant formal designation, whilst other assets may not currently be designated either because their significance has only recently been revealed or has never been formally considered. Some of the undesignated heritage assets will be of equivalent significance to those that are designated. Archaeological heritage assets might be confirmed as a result of a planning proposal and some of these will be of the same significance as scheduled monuments and should be considered accordingly.

2.2.13 Some assets may have a locally-defined designation; these do not have any statutory framework underpinning them but represent recognised heritage assets of local significance or value. As there is no adopted local list of buildings for Ashford, the only locally-defined designations currently are the Historic Parks and Gardens.

¹¹ See Chapter 13 for Heritage Strategy Objectives and Recommendations

2.2.14 Non-designated heritage assets are all those recognised elements of the historic environment not covered by one of the above designations. These include standing buildings, below-ground archaeology and archaeological findspots and earthworks.

Known areas of archaeological potential

2.2.15 The Local Plan identifies areas of archaeological potential across the Borough based on datasets provided by KCC Heritage Conservation. These provide a broad indication of areas where careful assessment of the potential impact on heritage should form part of the determination of planning applications and where KCC Heritage Conservation should be consulted. These areas are shown in Figure 4 below.

2.2.16 Between 2003 and 2004 Kent County Council and Historic England undertook archaeological assessments of a number of the settlements in the Borough (Appledore, Ashford, Charing, Chilham, Smarden, Tenterden and Wye) as part of the Kent Historic Towns Survey which covered 46 towns and villages across the county. Although the planning status of the supplementary planning guidance to the Kent Structure Plan that was produced as a result of this Survey has altered, this research remains very useful evidence with regard to areas of archaeological potential in the Borough today. The Survey identified Urban Archaeological Zones and mapped these for each settlement. Maps for the towns and villages surveyed in Ashford Borough, as listed above, are set out in Appendix 4. Zones were classified as follows :

- Zone 1:** Areas of known national importance
- Zone 2:** Areas of known archaeological potential where clarification of the nature of such potential is required
- Zone 3:** Areas where archaeological potential is thought to be lower
- Zone 4:** Areas where archaeological remains have been completely removed

2.2.17 In addition, archaeological appraisals undertaken as part of proposed development and planning applications continuously add to our knowledge of the heritage significance of the Borough. Excavations at Brisley Farm, in advance of major housing development are referred to in paragraph 2.1.9 above. Further best practice can be found in the Historic Environment and Built Heritage Appraisal undertaken by Wessex Archaeology as part of the preparation of the Chilmington Green AAP. This work examined the contribution of heritage and archaeological assets within the site area and

considered what role these assets could play in terms of influencing the built form of this planned new urban village.

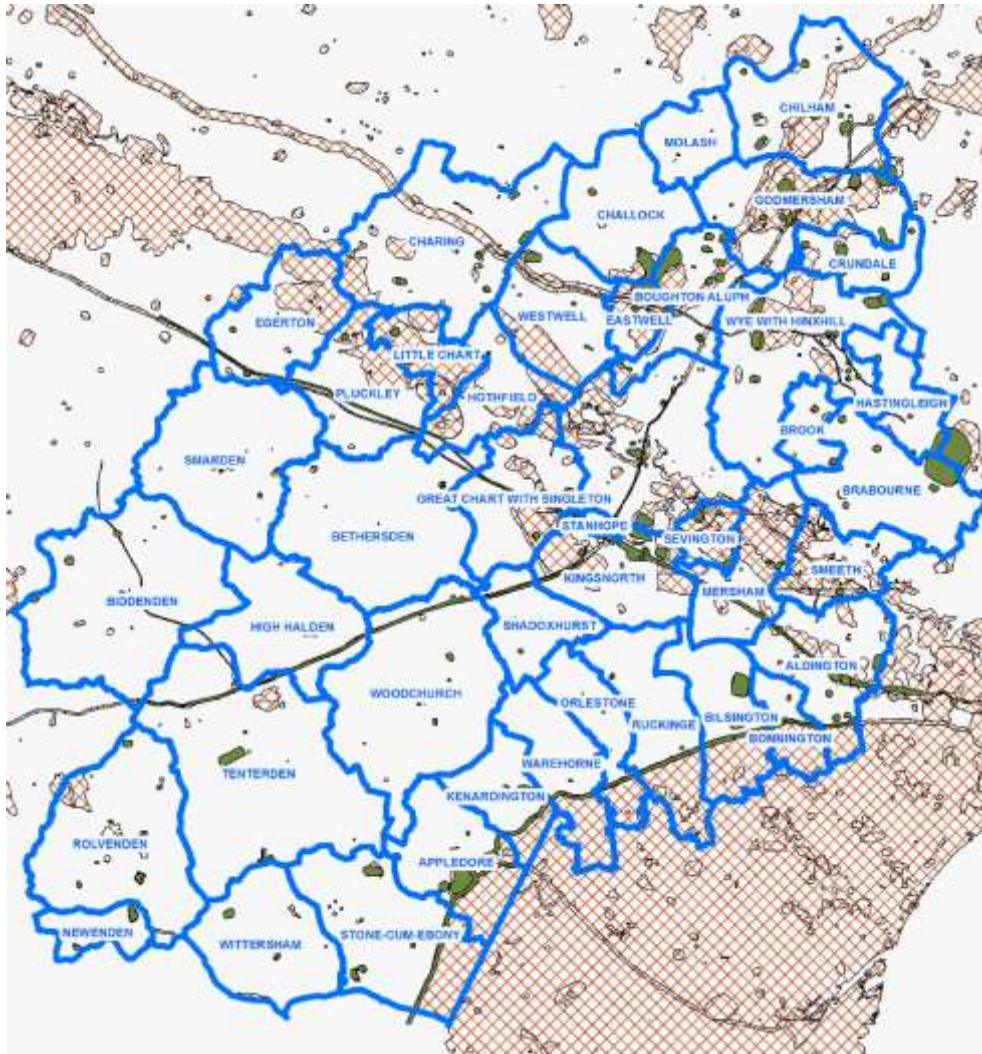


Figure 4: Areas of Archaeological Potential (brown) and significant finds (green)

Unknown areas of archaeological potential

2.2.18 As with all unknown unknowns it is rarely possible to predict discoveries with a degree of certainty. Much archaeology is, by its very nature and antiquity, buried beneath centuries worth of more recently accumulated material. Non-intrusive archaeological prospection techniques will reveal some of these remains. Even where there are surface indications, such as earthworks, these might be slight and as such not yet recognised. Based on knowledge to date, there are certain areas of the Borough already identified as having the potential to be host to archaeological finds but, like finding King Richard III beneath a municipal car park, there is always the chance of unexpected finds. In order to clarify areas of archaeological potential, and therefore provide an appropriate evidence base for both

strategic policy and development management decisions, the areas of archaeological potential provide a useful starting point but are not definitive.

2.2.19 It is unimaginable (based on recent experience) that currently unidentified heritage assets, particularly buried but as yet unidentified sites of archaeological interest, will not be discovered in the future. The HER for Ashford Borough identifies over 2040 records, and many of these were identified as a result of new developments and construction projects. It is highly probable that more will arise from development taking place over the Local Plan 2030 plan period.

2.3 Local Heritage Lists

2.3.1 Local heritage lists play an important role in celebrating heritage that is valued by the community at the local level. The process of preparing a local heritage list allows local people to identify local heritage that they would like recognised and protected as well as reinforcing a sense of local identity and distinctiveness. Under the NPPF the conservation and contribution of locally listed heritage assets will be a material consideration in planning decisions that directly affect them or their setting.

2.3.2 Ashford Borough does not currently hold any local heritage lists. Historic England guidance advises that the creation of such lists is best achieved through the production in the first instance of a Supplementary Planning Document which should, amongst other things, establish the selection criteria by which communities across the borough can identify heritage assets of community value and local heritage lists. Local heritage lists can draw on community-produced planning documents such as neighbourhood and parish plans and village design statements, in which Ashford Borough is particularly rich, as well as Conservation Area Appraisals and Management Plans. The preparation and adoption of an Ashford Local Heritage List SPD is addressed in the recommendations section of this Strategy.

3. HERITAGE THEMES

3.1 Categorisation of heritage assets into broad themes

3.1.1 The archaeology and heritage of Ashford Borough is varied and extensive. In order to deliver a Heritage Strategy for such a rich and diverse range of assets, the advice of KCC Heritage Conservation was sought early in the process of developing the strategy. The approach adopted in the pilot exemplar Heritage Strategy for Dover District¹², in which assets were grouped into broad themes was advocated. In order to facilitate an assessment of the significance of the Borough's heritage assets and the contribution these make to the environment of the Borough, this Heritage Strategy categorises the large numbers of historic buildings and places against a number of broad themes, which, in themselves, are indicators of the heritage and historical fabric of Ashford.

3.1.2 These themes are not meant to be a definitive and exhaustive list, or to be read in any other way than as a tool for facilitating the assessment of the significance of the large numbers of the Borough's heritage assets and the contribution they make to the environment. There is considerable overlap between the themes and very many assets also help to shape the streetscapes of the borough's towns and villages, a distinctive characteristic of the Borough's heritage in their own right.

3.1.3 In drawing up the themes, consideration was given to those aspects that particularly contribute to local distinctiveness, or have played an important role in shaping the character of this Borough. The themes arose from discussion between Ashford Borough Council and KCC Heritage Conservation and from an examination of the Historic Environment Record for Kent. The latter categorises its data under a number of headings for types of heritage assets. Some of these were applicable to Ashford Borough, others were not. The particular role that the railway plays in the heritage offer of the Borough and the long history of farming here, for example, made these especially appropriate categories for this Heritage Strategy. These themes and their summaries are outlined below.

¹² *Dover District Heritage Strategy* 2013, delivered with financial and personnel support by English Heritage, KCC Heritage and Dover District Council

Ashford's Heritage Themes

Archaeology

[Neolithic (4000 to 2500 BC), Bronze Age (2500AD-650 AD), Iron Age (700BC-43 AD)]

The Neolithic period witnessed the movement from a hunter-gatherer society, to a civilisation based on settled living and land cultivation, aided by the development of new technologies. This more sedentary lifestyle also saw the beginnings of animal husbandry and the use of pottery. Kent was notably one of the earliest areas of Europe to witness this change in settlement patterns.

The Bronze Age witnessed the further development of communities, aided by the increase in population size. The significant features of this period include the beginnings of proto-writing and the use of various metals to form tools. These tools allowed for the clearing of land, enabling agricultural work, which in turn increased food production. Evidence of Bronze Age social rituals, such as inhumation burials (barrows), frequently found in the Kentish countryside.

The Iron Age witnessed the still further development of settled communities, including the use of coins and the pottery wheel. Whilst people began to live in larger communities, with different areas developing their own specific rituals and products, new trade routes also allowed for the exchange of these goods and traditions.

Farming and Farmsteads

The development of farmsteads have undoubtedly shaped the landscape and character of Ashford Borough today, capable of providing almost three quarters of the foods that can be produced in our temperate climate. Whilst many farms have had to diversify in the recent centuries, the land still provides rich historical evidence of former practices. As well as the physical landscape reflecting the Borough's agricultural history, the farmhouses and outbuildings that remain to this day are strong elements of the heritage of this area. Attention to this important aspect of the Borough's historical story is to emphasise and valorise this important contributing category to landscape character and land use function.

Routeways

Many of the routes still used today by various lanes and bridleways follow the old droving routes used by pig farmers, moving their animals into the woods to fatten them up each year, a technique in use from the Neolithic period. Ancient sunken routes also exist from the constant wear of hooves and cartwheels, now often surrounded by wooded banks rich with wildlife. The arrival of the Romans saw the

further creation of roads, particularly focused around Kentish ports, most of which are still used today (including the A28) while the Great Stour river and the waterways of Romney Marsh also played a vital part in shaping the heritage and landscape of the Borough.

Historic Houses and Gardens

Possessing the largest number of listed buildings in Kent, the development of Ashford's landscape has been strongly influenced by its many large residential estates and properties. Many of these houses present the work of significant architects including Lutyens and Bloomfield. Fortunately many still retain their parkland setting and landscaped gardens, several of which are open for the public to appreciate.

Ecclesiastical Heritage

The Borough of Ashford possesses many significant ecclesiastical buildings which reflect the South-East's pivotal role in the spread of Christianity in England from the early 600s AD when St Augustine of Canterbury was sent by Pope Gregory the Great to Christianize the Anglo-Saxons of England. From Augustine's mission through to the Reformation in the 16th century, religious practice has hugely shaped the Borough's built heritage and landscape.

Industry and commerce

The North Downs of Kent feature a ridge of chalk hills, which have been commercially exploited for centuries as a source of building material, including chalk, marble and flint. As well as possessing rich natural resources the birth of the hop industry in the 1700s, and the prolific use of mills along the River Stour during this period, has left the Borough with a rich legacy of rural industrial history. Many of the villages of the Borough were home to markets, while Ashford itself has been a market town since the Middle Ages, with the market occupying permanent shops by the end of the 15th century. This market encouraged the production of goods within the Borough, facilitating businesses such as the Cloth-Workers in Biddenden and at Smarden.

Invasion and defence

Given Ashford's proximity to the Channel and with navigable river ways to it, the Borough's settlements were on the frontline in the invasions of the Vikings (9th

Century) and Romans. In the late eighteenth century England came under threat of an attack from Napoleon, which led to the development of a complex navy strategy which included the building of coastal defences. This included the construction of the Royal Military Canal running from Seabrook to Rye, which was subsequently used for the transportation of goods, and re-fortified as a Stop-Line after 1939. Ashford was also home to 20th century intelligence services, with The Joint Services School of Intelligence formed in 1969 at the Templer Barracks in Ashford. This base provided training to members of the forces, but has since been demolished to make way for the Channel Tunnel Rail Link.

The Railway

The development of the town of Ashford was particularly influenced by the introduction of the railway in 1842, and the network still contributes much to the heritage, economy and environment of the town. By 1883 the railway linked Ashford to Canterbury, Hastings and Maidstone. To house increasing numbers of employees 72 cottages were built, as well as a general store, public baths, a school, a library and a church as part of a new town to be known as Alfred Town but which became known simply as New Town. This estate is of historical significance to the Borough as it is one of the earliest examples of a planned industrial area in England. Although the locomotive works have fallen into disrepair, new services such as the High Speed 1 have continued to strengthen Ashford's railway network.

- 3.1.4 The thematic summaries which follow are not intended to provide a definitive list of all heritage assets relating to a particular theme; rather, they are intended to provide an illustration of significant elements, or key groupings, of the borough's heritage that contribute to its overall significance. The nature of such a theme-based approach means that there will be overlap between themes and that there will be significant heritage assets in the borough that do not sit easily within categories.
- 3.1.5 Each theme summary comprises an introduction to the theme, a written description of the principal heritage assets, and a statement of significance for that theme.

3.2 Assessment of Significance

- 3.2.1 The significance of places of heritage value embraces the diverse values that people associate with each place, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as

understanding deepens and people's perceptions of a place evolve. The NPPF defines significance for the purposes of heritage policy as:

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

NPPF, Annex 2

3.2.2 In order to identify the significance of a place, it is necessary first to understand its fabric, and how and why it has changed over time, and then to consider

- Who values the place and why they do so
- How these values relate to its fabric
- Their relative importance
- Whether associated objects contribute to them
- The contribution made by the setting and context of the place
- How the place compares with others sharing similar values

3.2.3 Significance is a collective term for the sum of all the heritage values attached to a place, be it a building, an archaeological site or a larger historic area such as a whole village or landscape. In order to fulfil the requirement set out in the NPPF to assess the significance of heritage assets and the contribution they make to their environment, Historic England has set out a method for thinking systematically and consistently about the heritage values that can be ascribed to heritage assets¹³, reflecting the fact that people value historic places in many different ways. Such heritage values can be grouped into four categories:

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.

¹³ *Conservation Principles, Policies and Guidance* (2008), Historic England as cited in *Good Practice Advice in Planning Note 2* (2015) Historic England

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

- 3.2.4 An overall assessment of significance is thus considered in terms of its evidential, historical, aesthetic and communal values and is intended to reflect the theme. This is the approach taken in this Heritage Strategy.
- 3.2.5 In order to ensure that the significance assessments contained in the Ashford Heritage Strategy were based on as wide an input from experts in the field and local communities of the Borough as possible a series of stakeholder workshops and exhibitions were held during the preparation of the Draft Strategy in October and November 2016. These involved representatives of relevant national and local organisations, including Historic England, KCC Heritage, amenity and community groups.¹⁴ These workshops also provided useful input into the Recommendations section of this Strategy.
- 3.2.6 Such events took as their starting point the reality that assets may individually be of greater or lesser significance or may contribute to the significance of multiple themes or have an additional group value. However, given their sheer numbers it is not feasible to examine the significance of each asset in the Borough on an individual basis.
- 3.2.7 The degrees of significance adopted are set out below and are in line with Historic England guidance. However it should be noted that in practice such categories proved to be somewhat cumbersome to interpret across thousands of assets, with many heritage assets deemed capable of falling within multiple definitions when seeking to define importance. Empirical conclusions were not therefore able to be clearly drawn given the largely subjective nature of such assessments, the discursive nature of the work and the difficulty of differentiating clearly between categories across multiple viewpoints and the assets themselves. Nevertheless, the feedback from the exhibitions and workshop proved very useful in both assessing the significance of each heritage theme and in drawing up the recommendations of this Strategy.

¹⁴ Exhibitions were held at Pluckley and Ashford (October 2016) and Tenterden (November 2016) and a Workshop was held at Woodchurch in November 2016.

- **Outstanding Significance:** themes which are of key national or international significance. These are those themes that contain significant heritage assets, which are among the best (or the only surviving example) of an important type of monument, or are outstanding representatives of important social or cultural phenomena, or are of very major regional or local significance.
- **Considerable Significance:** themes which contain heritage assets that are good and representative examples of an important class of monument (or the only example locally), or have a particular significance through association (although surviving examples may be relatively common on a national scale).
- **Moderate Significance:** themes which contribute to the character and distinctiveness of the borough, or which provide an historical or cultural context for other themes that may be of individually greater significance.
- **Low Significance:** themes which are of individually low value in general terms, or have little or no significance in promoting understanding or appreciation of the borough, without being actually intrusive.
- **Uncertain Significance:** themes or elements therein which have the potential to be significant (e.g. buried archaeological remains) but where it is not possible to be certain on the evidence currently available.
- **Intrusive:** themes or elements therein which detract visually from or which obscure understanding of significant elements or values of the borough. Recommendations may be made on their removal or other methods of mitigation.

3.3 Participation and engagement

- 3.3.1 Given the aims of this Heritage Strategy (as detailed above), the engagement of expert and interested parties was essential, particularly to establish the evidential, aesthetic, communal and historical value of assets and themes as per the criteria above. This assessment would satisfy the strategy's requirements to a) assess the significance of the heritage assets of the Borough, the contribution they make to its environment and their potential to contribute to the delivery of other sustainable development objectives; and b) set out a positive strategy for the conservation and

enjoyment of the heritage of the Borough, both benefit from the input of people with good local knowledge of historic assets.

- 3.3.2 Engagement consisted of three informal exhibitions in which interested parties could engage with officers, often in detail, exploring the significance and value of the eight categories.
- 3.3.3 At the workshop thirty-four participants split into four groups. In two sessions, during the course of the workshop each group tackled two subjects (one at a time). The eight themes, as detailed above, were introduced through posters dotted around the room, with accompanying maps showing the distribution of assets related to these categories. There was time at the beginning and in breaks during the session for participants to investigate and digest this information.
- 3.3.4 During the two break-out sessions, facilitators assisted the discussion at each table. Participants deliberated on the 'significance' of each theme in the overall heritage offer of the borough, and considered those criteria that make up its 'value'. Prompter sheets with key definitions were given to each table as *aide memoires*, given that much of the analytical language used in the Historic England assessment criteria is specialist, although it was felt important to engage participants in the full analytical process.
- 3.3.5 Detailed, locally- and technically-informed detail about all eight categories emerged from the workshop, and was analysed qualitatively to generate an assessment of the significance of each category.



Figure 5: Workshop held at Woodchurch on 3rd November 2016



Figure 6: Warrior burial during excavation at Brisley Farm

Prehistory and Archaeology

4. PREHISTORY AND ARCHAEOLOGY

4.1.1 The borough of Ashford features a number of archaeological remains dating back to the early Neolithic Period. The most significant of these finds discovered to date are a number of Barrows (inhumation burials) situated along the North Downs. Some take the round form of a bowl barrow - so called as they look like an upturned bowl. These are predominantly Bronze Age. Others are shaped more like a rectangular mound (Long Barrow), and usually house multiple tombs, often occupying prominent locations, and are significantly older (Neolithic) and rather rarer in Kent. An even rarer form is a disc barrow, which comprises a circular flat platform surrounded by an earthen bank or ditch, but Ashford Borough is lucky enough to house an example. These monuments not only act as historical features in the modern landscape, they also provide a wealth of information about our prehistoric culture, and are an educational asset.

4.1.2 Apart from burial rituals later examples of prehistoric existence are also found in the Borough. Aerial and imaging processes have found examples of Bronze Age field systems throughout the Borough, which demonstrate how and where land was cultivated centuries ago. Analysis of the North Downs has shown that the hills and fertile river plains of the Borough were originally heavily wooded. Evidence suggests these woodlands began to be managed from the Neolithic period, clearing the land making it available for other uses. Due to this pattern of deforestation along the Downs, a rich legacy of funerary monuments are concentrated in the Borough, the most significant of which include the Neolithic earthen long barrows of the Stour valley and the round burial mounds of the Bronze Age.

Description of the principal heritage assets

Neolithic

- **Bowl Barrow, King's Wood, Wye (scheduled monument)**

Neolithic burial mound situated on a clay-clapped, chalk hill. Presents as 16m in diameter and 1.3m in height and remains in 'good' condition, apart from a little disturbance caused by forestry operations. Is surrounded by a ditch (has become infilled over time), material which was used to construct the barrow

- **Julliberrie's Grave Long Barrow, Chilham (scheduled monument)**

Neolithic long barrow, original terminal of the monument quarried away, but an estimated three-quarters of the original monument remains. The earthen chalk structure is 44 metres long, 15 metres wide and 2.5 metres high. Artefacts and other

sources such as pollen are thought to still remain in the mound. It is the only long barrow in Kent without a stone burial chamber.

- **Long Barrow SE of Jackets Field, Boughton Aluph (scheduled monument)**

Neolithic burial mound situated on top of the North Downs, made from a mixture of earth and flints, measuring 75m in length, 11m in width and 1.7 high on its East side, and 9m wide and 1m high at the West end. Survives in a 'good' state and is considered of high archaeological potential.

Bronze Age

- **Bowl Barrow, Egerton (scheduled monument)**

350m SE of Egerton Church generally in a rare very well preserved condition. Little disturbance means its archaeological potential remains high. Earthen mound measures 24m in diameter and 2.5m high, surrounded by a now-infilled ditch.

- **Bowl Barrow, Eggringe Wood (scheduled monument)**

Southernmost barrow in Eggringe Wood is one of 6 known here. Such a concentration is rare. Comprised of earthen mound, surrounded by an now-infilled ditch. Mound is 21m in diameter, and 1.3 m above ground level. In good condition apart from burrowing by rabbits.

- **Bowl Barrow, Wye with Hinxhill (scheduled monument)**

Earthen mound situated on the crest of the Downs at Wye with Hinxhill. It measures 21m in diameter and is 1.6 m tall, however it is thought the original profile of the mound has been spread by agricultural activity. It is surrounded by a now-infilled ditch.

- **Disc Barrow in Warren Wood, Crundale (scheduled monument)**

Saucer barrow comprising of a low central mound measuring 18m in diameter, surrounded by a ditch, which has been infilled with earth from the mound. Evidence grave has been rifled with.

- **Tutt Hill, Westwell**

4 ring ditches were found at this site which had been destroyed by ploughing. They were all that remained of the round barrows that once stood there. Two cremation burials were also found here; one in a pit, another in a bucket urn (pot identified to 1600-1100 BC). Further evidence showed the land had been divided up in the Bronze Age into a field system, suggesting a change in agricultural patterns.

Iron Age

- **Beechbrook Wood, Westwell**

A double-ditched rectangular enclosure was found, dated to 150 BC, possessing an entranceway marked by totem posts. The ditches contained cremated remains of 4 people. The nature of the site is inconclusive, however it was not covered over during the later Roman period- adding to the impression the site was of special meaning.

- **Moated Site and garden earthworks, Boys Hall (scheduled monument)**

Iron Age remains underlie a later medieval moated site, located 460m SE of Boys Hall and in a good state apart from some damage caused by construction of the railway line. The site therefore demonstrates the continuity, longevity and diversity of activity in this landscape over time. Waterlogged moat and garden ponds provide good conditions for the survival of archaeological remains. The garden earthworks demonstrate a type of 'water garden' rare today, and have not been affected by later landscape work.

Roman

- **Roadside settlement and shrine at Westhawk Farm, Ashford**

Located 3km south-west of the current town of Ashford, the settlement was situated at an important Roman road junction where the road from Dover and Lympne met the WSW-ENE aligned route from the Weald to Canterbury. It is likely that this was a significant settlement, with particularly notable shrine areas and metal-working areas, was founded around 70AD and declining some time after 330AD. However, it there is evidence on site of Bronze Age boundary ditches, indicating that the area was active even further back in time.

Theme 1: Prehistorical Heritage Assets

Assessment of Significance

CONSIDERABLE

4.1.3 The archaeological heritage of this Borough contains heritage assets that are good and representative examples of an important class of monument and, in the case of disc and long barrows, assets that are rare in Kent. It is notable that all of the remaining barrows are to be found in the Kent Downs, in the northern part of the borough, highlighting this ridge as an initial focal point of settlement and cultivation. Few finds have been identified further south, and it is possible that the heavy and wet soils of

the claylands and the thick woodland cover would have discouraged cultivation in this area. While hand axes and flint tools have been found in the mid-section of the borough, it is suggested that occupation was seasonal rather than permanent.

- 4.1.4 It was noted that the archaeological heritage of the borough is, in general, not well publicised compared with that of our neighbours, but frequent evidence of regional and even national significance is discovered periodically. Archaeological potential of a site is generally most likely to become apparent prior to development of a particular site, as was the case upon the discovery of the Roman roadside settlement at Westhawk Farm, and the extensive Iron Age settlement at Brisley Farm including its two Warrior burials. Such excavation reveals the extent to which the borough was an integral part of the ancient world.
- 4.1.5 There is considerable evidential value. The three main ancient barrow types are represented in the northern part of the borough; while along the spring line and the plain to the south of Ashford town there is extensive evidence of Iron Age and Roman settlement and activity at South Ashford, with significant opportunity for further finds.
- 4.1.6 In general, this category is under-researched, and therefore the historical value is uncertain. What has been found, particularly in recent years, has greatly informed debates around the layout and function of ancient settlement. In addition to this, the good state and variety in many of the burial barrows in the north of the borough offer outstanding surviving evidence for certain aspects of prehistoric social organisation. However, there are an extensive number of “unknown unknowns” in relation to this category, and an extensive amount of the borough has not undergone archaeological assessment to complete the ancient historical narrative of the borough.
- 4.1.7 Of particular note is the Neolithic long barrow known as “Julliberrie’s Grave” at Chilham. The prefix *Julli-* may well be a corruption of ‘Chilham’ itself; with the suffix *-berrie* indicating ‘artificial hill’ or ‘barrow’. The borough’s barrows are variously categorised as either belonging to the Wessex or northern European funerary traditions, however, definitive evidence for either is lacking. Kent’s barrows, while noted for centuries have not been subject to the same ‘opening’ programmes as Wiltshire possibly due to their dispersed nature. More can certainly be made of their visual and touristic potential, if only to ensure their retention and potential to yield further information about Kent’s origins.

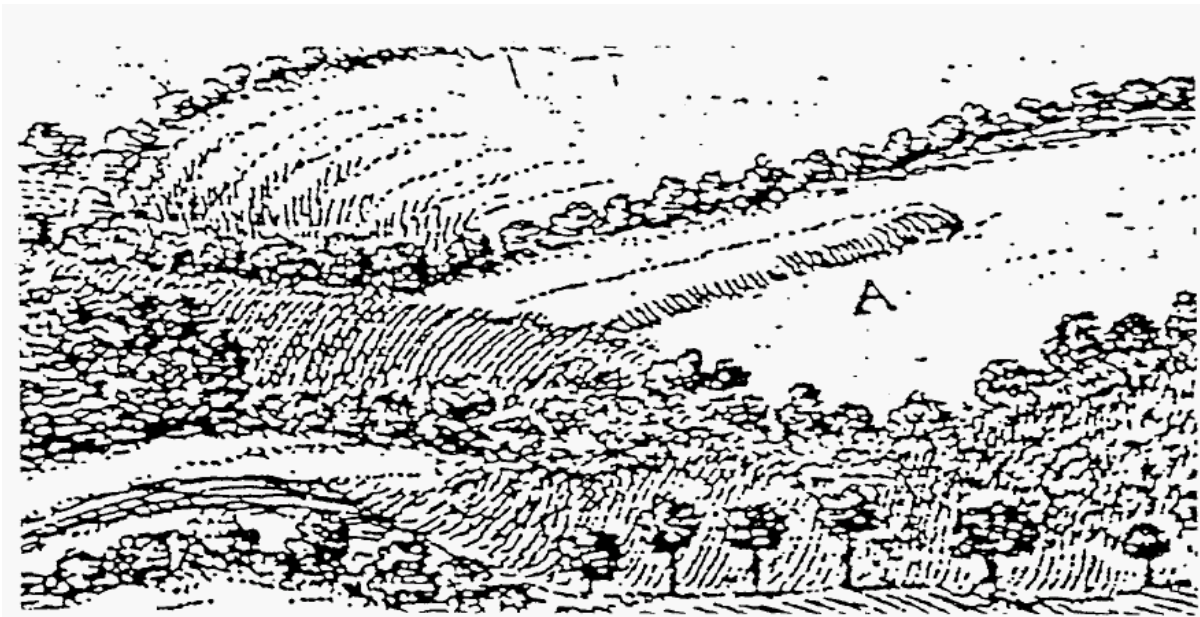


Figure 7: William Stukeley's 'Prospect of Julabers Grave from Chilham May 24 1725'

4.1.8 Evidence is not restricted to areas of countryside, and there are areas across the borough that yield fascinating surprises. For example, in the 1890s, Mr Arthur Challis and his wife, Fanny, were having a house built in Albert Road, Ashford, close to the town centre. In laying the foundations, the workmen found a Roman interment consisting of a large cinerary urn containing bones, together with a small, fragile redware cup with a fluted rim. There was also a goblet of redware with a handle, another cup, another patera (as found at King's Wood) of Samian ware, another of Upchurch ware and three other vessels in fragments. These are believed to be from another cremation dated from between the 1st to the 3rd century AD.

4.1.9 Aesthetic value is low. Roman archaeological evidence is not presented in situ at all in the borough, often documented in preparation for development on specific sites.

4.1.10 Ancient barrows, while prominent with the landscape setting, often offer more below-ground rather than as a result of their form per se.

4.1.11 There is Considerable communal value, and there is notable awareness that archaeological assets within the borough are under-researched, but that when finds emerge they are often of regional or national significance. Such assets are well-valued by local communities and there is a desire both for further excavation work and to highlight features to a broader

audience of visitors. There is a particular interest in archaeological evidence informing a linear narrative of the development of the borough through time.

4.1.12 As will be explored further in the recommendations section of this Strategy, there is concern that the Borough's prehistoric assets are little known and would benefit from information being more publicly available, including in the form of display boards and waymarking.



Figure 8: Farmhouse in the east of the borough - hipped roof with clay tiles; red brick and timber casement windows, typical of this area.

Farming and Farmsteads

5.FARMING AND FARMSTEADS

- 5.1.1 More than 10% of all the UK's farms are found within the South East. The maintenance of the agricultural hubs such as farms and farmsteads is therefore important in helping to conserve the character of our rural areas.¹⁵ Despite the number of people employed in agriculture falling in Kent from 17,000 people in 1981, to 12,100 in 2007¹⁶, farming is still of considerable importance in this Borough, maintaining the characteristic farmed landscapes of much of the area as well as providing local sources of food.¹⁷ In addition, an examination of the Historic Environment Records for Ashford borough confirms that farming and farmsteads play a significant part in the heritage offer of the borough.
- 5.1.2 Kent was described by Caesar after his visits of 55-54 BC as being “thickly studded with farmsteads”, suggesting a dominant ancient farming history. Following subsequent periods of Roman control further waves of migrant colonists, most notably the Jutes, settled in Kent and brought with them extensive farming practices. As separate communities formed in England between 0 and 700AD, during this migration period, the Weald became a vast pasture subdivided into territorial commons and manors. Stock, mainly pigs, were driven from lands and manors to feed on nature's resources such as oak and beech.
- 5.1.3 More recent developments to these farmsteads were influenced by the emergence of a flourishing Kentish hop industry during the 18th and 19th centuries. Given Kent's strong, well-drained soil, the South-East was the first and most successful area used for hop growing. The borough hence had an abundance of oast houses. As well as stimulating the growth of oast houses, the hop boom led to an increase in sweet chestnut coppices being planted-which provided the poles to support the hop vines, creating an iconic Kentish landscape.
- 5.1.4 Other parts of the historic landscape that help to define the distinctiveness of this part of Kent include the networks of ancient hedgerows which still provide field boundaries; wood and field banks which historically marked

¹⁵ <http://wfminkent.co.uk/farming-in-kent/>

¹⁶ Kent County Council, Research & Intelligence, 'The agricultural sector and rural businesses in Kent: An assessment of their value to the Kent economy. Evidence based 2009', p.8.

¹⁷ <http://wfminkent.co.uk/farming-in-kent/>

the boundaries between different manors and estates – often picked out with pollarded or ‘stubbed’ ancient trees; and lynchets which reveal ploughing patterns from centuries ago.

5.1.5 Ashford has a high proportion of 17th century farmsteads and earlier recorded buildings. 37% of farmsteads recorded in Ashford are dated back to the 1600s or earlier, and 7% of farms have one or more listed working building that dates back to the 17th century or before. Although farmsteads are predominantly shaped on a medium to large scale courtyard plan, the borough has a very high proportion (by county standards) of dispersed layouts (33%). However, a lot of outbuildings are now being converted to non-agricultural purposes changing the historic purpose of buildings. For example, the 2006 photo image survey noted that the borough has above average rates of conversion of listed buildings to non-agricultural (primarily domestic) uses – 45.3% (includes 5.4% non-domestic) – compared to the national average which is 39%¹⁸.

Description of the principal heritage assets

- **Buss Farm, Bethersden** (grade II)

Buss Farmstead was built in the 1700s and consists of a farmhouse, an oasthouse and a Tudor period oak barn. Its layout is based on a courtyard plan. The farmhouse is only listed as Grade II however the site is of great significance featuring as the home of the Larkin family in “The Darling Buds of May” ITV series.

- **Court Lodge Barn, Brook** (grade I)

This 14th century barn lies 50 meters to the west of its manor house. It was built in the 1370s, when the farm transferred from monastic into private hands. The barn has 6 full bays either side, with 2 passage bays and presents medieval features such as a crown post roof and scarf joints. Given that it has had no original timberwork replaced, it is one of the finest examples of a medieval Kentish barn. The barn now houses the Brook Agricultural Museum

- **Court Lodge Oast, Brook** (grade II)

Court Lodge oast is a more recent addition to the farmstead built in 1815. It sits a few meters behind the barn from the road, and demonstrates one of the earliest examples of John Read’s circular kiln design, which was thought to dry the hops more evenly than the square construction. It remains intact and houses hop displays as part of the museum.

¹⁸ KCC. Heritage Conservation, ‘Part 2 Kent Farmstead Guidance Planning Context 2014’, p. 5.

- **Chart Court Oasthouse, Little Chart** (grade II)

Chart Court Oasthouse lies west of the farmhouse, listed as Grade II, and was built in the mid-1800s. The construction is now used as a residential property, and boasts 4 Kentish ragstone cylindrical oasts, with conical tiled roofs. Of particular interest is that all 4 cowls are painted red and green- supposedly being the racing colours of the Beatty family who owned the farm during the 1940s.

- **Hurst Farmhouse, Chilham** (grade I)

This 14th century Hall House is the oldest dwelling in the Parish of Chilham. It possesses a wealth of unusual period features such as a double arch porch, a rare vaulted ceiling, and original bread ovens. It is set over three floors and features a jetty on all 3 sides as well as moulded dragon posts.

- **Palace Farmhouse, Barn and Outhouse, Charing** (grade I)

The Palace Farmhouse consists of what was the original Archbishop of Canterbury's Manor House, the Chapel, and a later 13th century development. The history of the Palace can be dated back to the 8th century when the land was gifted to the Christchurch Priory, Canterbury. After the Dissolution of the Monasteries in 1545 the manor was let out as a farm. The building is in a ~~good~~ poor condition and boasts significant past inhabitants such as Henry VIII and Sir Richard Sackville.

While the Palace Barn, which is used for agricultural storage, was not originally constructed to be and used for agricultural purposes, but as the Great Hall whilst under Monastic ownership. The barn was built in the fourteenth century for use as the Great Hall of the Palace. It comprises of two parallel ranges, an 'L' shape projection, and a long catslide style roof. However, it was converted to agricultural use sometime after 1725.

This is a unique example of a grand ecclesiastical building being reconstituted for agricultural use, highlighting the significant historical value of the structure telling the local story of the impact of the Reformation and subsequent socio-political changes on the locality.

- **Quarrington Oasthouse, Mersham** (grade II)

This circular oast was built during the mid-1800s, consisting of red brick and a plain tiled roof. It possesses two storeys with a gabled roof, which has interestingly now been extended over the roundel truncating it. Three wooden casement windows remain on both floors (unusual), as well as a boarded first floor door with ladder stairs.

- **Spring Grove Oast, Wye** (not listed)

Spring Grove Oast is the only three tier oasthouse in Kent. It possesses 2 spectacular square kilns, and one smaller round kiln that was added in the 19th century. Unfortunately it no longer displays its cowl. Of great significance to this oasthouse is the large hoist positioned on the third floor between two square kilns that was used to lift the pokes of hops up for storage.

- **Thorne Farm Oasthouse, Bethersden** (grade II)

This oasthouse lies to the south of Thorne farmhouse. Its two square kilns date back to the 18th century, and contain their original modillion cornice, fantails and cowls. The left hand kiln features an unusual double pitched roof. Of particular interest is that a circular brick oast was added to the site in the 19th century, which still remains. This farmstead therefore demonstrates the change in oast construction the 19th century witnessed.

- **Yonseas Farm, Hothfield- original site** (grade II)

Yonseas was built during the early 1810s as a planned 'model' courtyard farm by the Earl of Thanet. The 7 buildings have been moved from their original site due to the complex lying in the path of the channel tunnel rail link. It was carefully dismantled and has been partly re-erected at the South of England Rare Breeds Centre, Woodchurch. It is considered to be one of the most important late Georgian farms in England.

Theme 2: Farming and Farmsteads Heritage

Assessment of Significance

MODERATE

5.1.6 The significance of the farming and farmsteads heritage of this borough is considered to be affected by the reality that these assets are predominantly private, working homes and businesses.

5.1.7 In terms of evidential value, the practice of gavelkind (the form of inheritance found in Kent up until the early 20th Century, as well as parts of Wales, Ireland and a number of other locations in England, whereby land was divided equally amongst all male heirs) has resulted in farm holdings being smaller and farming practice more labour intensive here than in other parts of the country where farming heritage is more dominated by the manorial system.

- 5.1.8 Farms and farmsteads clearly make a fundamental contribution to the borough's landscape through their varied forms, use of materials and the way that they relate to the surrounding form and patterning of landscape and settlement. Within Kent, variations result from agricultural and local traditions, landownership and farm size, as well as rural industries and other functions. It should be noted, however, that recent evidence has highlighted the particular importance of the Weald, the Kent Downs and the fertile valleys of the Stour and Medway as being of particular regional importance to agriculture, and this activity has fundamentally impacted the landscape character of these areas.
- 5.1.9 The historical evidence of the interrelationship between farming, farmsteads and landscape is strong, reflecting the wider story of Kent with farmsteads mainly dating from the eighteenth or nineteenth centuries, and reflecting in form and function the increasing mechanisation of that time (e.g. the Georgian Model Farm of Yonseas) and responding to the coming of the railways. However, the retention of many more ancient farmsteads speaks of previous social organisation, and the retained field patterns within the Conservation Areas of many rural settlements (e.g. Bethersden, Brabourne), reflects the medieval small-scale peasant-farmed paddock serving the manorial estate.
- 5.1.10 Within the northern part of the borough, farmhouses are commonly detached and often face into their own garden area. The Kent Downs differ from most of the other chalk downlands in southern England; large areas of clay with flints supported woodland areas and made the land difficult to farm. Consequently, historically a smaller proportion of the higher downs were converted to arable than in most other downland areas. However, use of the downland for arable farming increased in the late 18th to early 19th centuries when the Napoleonic Wars forced up wheat prices.
- 5.1.11 Within the northern central part of the borough, Larger farms, particularly at the foot of the scarp to the North Downs, had emerged by the 16th century away from the villages. Closer to the villages in the Vale of Holmesdale are large farms with 18th and 19th century houses which developed in areas of more recent enclosure. Oast houses are a highly characteristic farm building type, especially in the central part of the area. Most examples date from the late 18th and 19th centuries although there are some examples of older oast houses built within earlier barns. The examples within the borough retain a considerable aesthetic value as unique and evocative symbols of the Kentish landscape and identity.

- 5.1.12 The Low Weald part of the borough (the southern central part) is characterised by irregular fields (including many marl pits that fertilised the clay soils). Medium-scale farms, either of dispersed plan type or Oast Houses are most common, constructed of local clay bricks. By contrast, by the late 13th century the High Weald comprised a scattering of gentry properties intermingled with a mass of small peasant holdings.
- 5.1.13 It is in the mid-and southern parts of the borough that the historical value of farms and farmsteads is most prevalent, with the arrival of the railways in the mid-19th century having a significant impact, opening up the London market for hops, fruit and poultry. Hop gardens and orchards, widespread on the northern side of the Low Weald, insulated this area from the worst of the late 19th century agricultural depression. Smaller fields and historic farmsteads become more dominant within this the Wealden Horticultural Pocket, where hop farming developed on an industrial scale in the 19th century, with a high proportion of orchards and woodland.
- 5.1.14 The borough's hop-growing heritage (including the many attractive oast houses found across the rural parts of the borough) is of considerable historic value, while the aesthetic value of the borough's farms and farmsteads is considered to be important and intrinsically linked to the landscape and to associated heritage of field boundaries, stiles and drovers routes. However, communal value is often low given that surviving structures are almost invariably in private ownership and that the societal development through the twentieth century has been the trend towards urbanisation.

Historic Farmsteads and Agricultural buildings in the borough

Kent is distinguished by its predominantly dispersed settlement pattern of isolated farmsteads and hamlets, established by the ninth century and sometimes earlier, set in anciently-enclosed landscapes with a pastoral origin carved out of woodland and wood pasture as indicated by the place-name evidence. Around eighty-five percent of farmsteads are located in relatively isolated (and generally 'unsustainable' under the terms of the NPPF) settlements. Kent's 'gavelkind' system of partible inheritance, whereby property was inherited by male co-heirs, also helped to create a form of strip field system whereby the individual partitions, managed on the whole from isolated farmsteads, were scattered through many arable fields.

Kent was already recognised for its fruit, vineyards and cider by the thirteenth century, and by the seventeenth century fruit growing to supply the London market was increasing in importance. The expansion of the railway network, and of turnpike roads in the eighteenth century combined with improvements to navigation along the Medway valley, stimulated the growth of agriculture (especially hops, fruit and poultry), village-based retail and services, rural villas and other houses and market towns. Growth within Kent also provided a further stimulus to agricultural markets. One third of its population was urban by around 1600, and by the 1820s the population of urban exceeded those of rural areas.

The Weald has the highest levels of survival of traditional farmsteads – particularly seventeenth century, although the majority of farmsteads have retained some or all of their historic form. In the twenty-first century, there is an increased trend of the affluent moving out of urban centres and into buildings of character including a great many of the borough's characterful farmsteads. There is therefore an increasing pressure for their conversion from agricultural to residential and tourist uses, and this often has the effect of severing their connection with the surrounding landscape that has hitherto developed in conjunction with the farmstead in a symbiotic manner.

The Kent Downs AONB unit, in conjunction with Historic England and Kent County Council has produced essential advice for development involving farms and farmsteads, so that the needs of modern accommodation does not undermine particularly the considerable aesthetic value of these heritage assets. However, conversion to residential use can undermine the communal value of these heritage assets. Accessible rural heritage displays, for example the rebuilt Yonse Farm at the Woodchurch Rare Breeds Centre, retains that connection with the rural past.

As a notable example, Lookers' Huts are an important part of the cultural heritage of Romney Marsh area, in the south of the borough. They first appeared in the 17th and 18th centuries as a response to intensive sheep farming on the Marsh by non-resident landowners who hired 'Lookers' to oversee their flocks. By the 19th century there were about 350 such buildings. They provided temporary accommodation for the Lookers during periods of intense activity such as lambing and were used to store tools and equipment. By nature therefore they are small, basic and in isolated locations.

Most huts share the same essential components - a single-cell plan, pitched roof, chimney at one gable end, a single door and a window. Some had small porches but only 4 had adjacent shelters / stables. Brick was used for almost all walls and chimneys of Lookers Huts. Clay tile was the universal roofing material for Lookers Huts although some have since been re-clad in modern materials. Considered together, these are significant assets providing a vital link to the cultural heritage of the marsh area. While Lookers Huts were to be found in several parishes, including Appledore, Bilsington, Bonnington, Orlestone, Ruckinge, Stone-cum-Ebony and Warehorne, only two now survive in the borough and only sixteen overall.

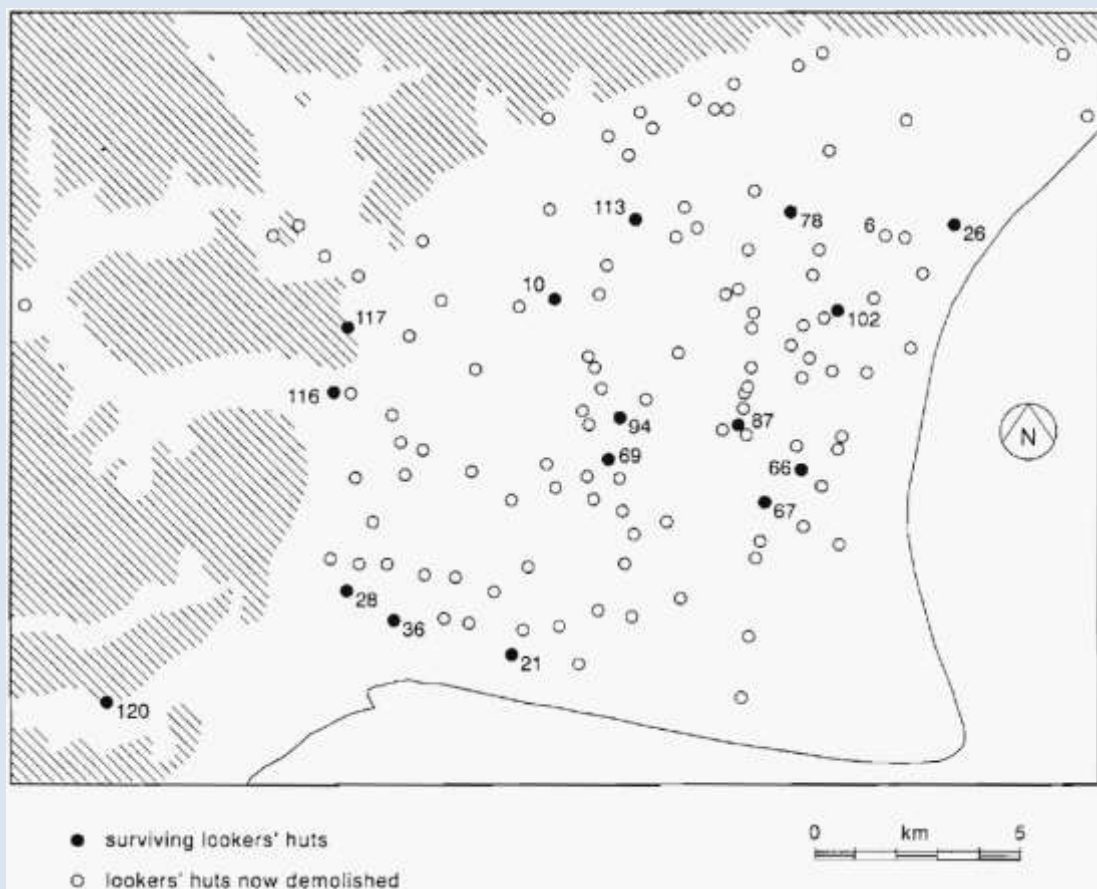


Figure 9: Distribution of Lookers' Huts in the Marsh area (Reeves & Eve, 1998)



Figure 10: Sunken track through the North Downs Way

Routeways

6. ROUTEWAYS

6.1.1 The “Gough map” is one of the earliest surviving maps to show routes across Great Britain, and its quality and detail ensured that it remained the model for cartographers for 200 years. Dating from the middle of the fourteenth century, it notably features a network of red lines showing routes criss-crossing the country linking many, but not all, of the 600-odd towns and other settlements marked, with figures in Roman numerals indicating distances written between each stopping point. This has led some to dub the Gough map as ‘the earliest road map of Great Britain’, although it must to some extent share that accolade with the *Tabula Peutingeriana*. But there are many omissions of well-known routes, not least the busy section of Watling Street across north Kent. Nor are the two other main routes across Kent at this time shown – London-Hythe; London-Rye/Hastings. Among the nineteen Kentish settlements depicted on the map are *Appeldre* [Appledore], Ashford, and *Cheryng* [Charing]. The only ‘red line’ route shown in Kent is that which apparently ran between Southampton and Canterbury, through Sussex. It makes its way from Rye to Canterbury and passes via Appledore (a noted river crossing).

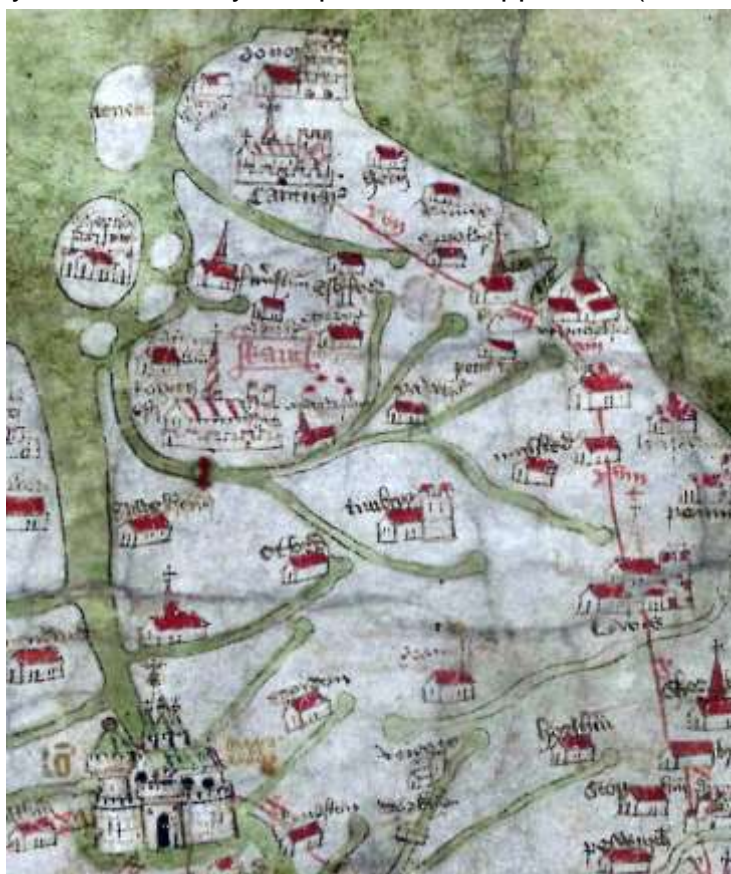


Figure 11: The Gough Map (circa 1360), now part of UNESCO's 'Memory of the World' register, shows linkages between the borough's settlements

- 6.1.2 Ashford's location means that it is home to much evidence of routeways, with many ancient transportation routes running through it, including drovers routes, and waterways such as the Rivers Rother and Stour and the Royal Military Canal. These not only provide for modern leisure activities but also provide useful information on the history of the county in terms of settlement patterns, culture and land usage. For example, evidence reveals that drovers' paths were up to 27 metres wide, suggesting their use was suited to the transportation of cattle, as opposed to providing the way for a single file carriage. Given there is large evidence for Bronze Age and Iron Age cattle-rearing it is likely some of these paths date back to the pre-historic period.
- 6.1.3 The physical movement of people and stock gradually declined during the medieval period as permanent settlements were being established in the 'dens', and many of the old drovers' paths became overgrown. In this Borough such a pattern can be seen from the number of medieval village settlements, still present today, ending in the word 'den'. For example Biddenden, meaning Bidda's woodland pasture, Rolvenden, Hrodwulfs woodland pasture, and Tenterden, meaning pasture of the men of Thanet.
- 6.1.4 The establishment of Turnpike Trusts over the 17th and 18th century allowed for the improvement of routeways, as tolls raised from the turnpikes could be used to improve road conditions, which increased the movement of people once again.
- 6.1.5 The use of water as a mode of transportation has also existed since pre-historic times. Evidence suggests that the River Stour, which runs through Ashford, was used by both the Roman and medieval community for the transportation of goods and animals. The previous route of the River Rother, which once flowed across Romney Marsh, enabled the creation of a nationally important port and shipyard just outside of Tenterden at Smallhythe, with evidence of port activity with slipways and docks at Wittersham, Newenden and Warehorne, reinforcing the Borough's past role in the waterway industry.
- 6.1.6 The Royal Military Canal was part of a coastal defence system constructed between 1804 and 1809 for the purpose of defeating the expected landing and deployment of Napoleon's troops using the favourable location of the Romney Marsh area. The canal runs for a total of 28 miles from Hythe and then inland to Appledore, before joining the eastern River Rother at Iden lock, from where it becomes part of first the Rother and then the River

Brede, before turning into a canal again from Winchelsea to its western terminus at Cliff End on the coast. While never actually used for military defence, it did serve intermittently to monitor smuggling through the Romney Marsh, and during World War II was fortified with concrete pillboxes and barbed wire entanglements. It is now one of the borough's more popular leisure routes, forming part of the Saxon Shore Way, and is an important environmental resource.

6.1.7 The Pilgrim's Way is one of the most famous routeways in England and still exists in some of its original form today. It runs from Winchester to Canterbury, and provided a route for the pilgrimage to the shrine of Thomas Beckett in Canterbury Cathedral. Archaeological dating has put the original path at 500BC, suggesting it had a more ancient significance. The prehistoric route followed "the natural causeway" east to west on the southern slopes of the North Downs. Today the North Downs Way National Trail mirrors the old pilgrims' route, leading from Winchester/Farnham to Canterbury. A lot of the original Pilgrim's Way has been incorporated now into the modern road network. However, original parts are still open to public ramblers through the borough of Ashford – mostly within the Kent Downs Area of Outstanding Natural Beauty - taking you through the villages of Wye, Charing and Chilham. It is this routeway that enabled the creation of heritage assets along this path. Charing Palace, for example, provided one of the regularly-spaced stopping houses for the Archbishop and his retinue a couple of day's ride from Canterbury.

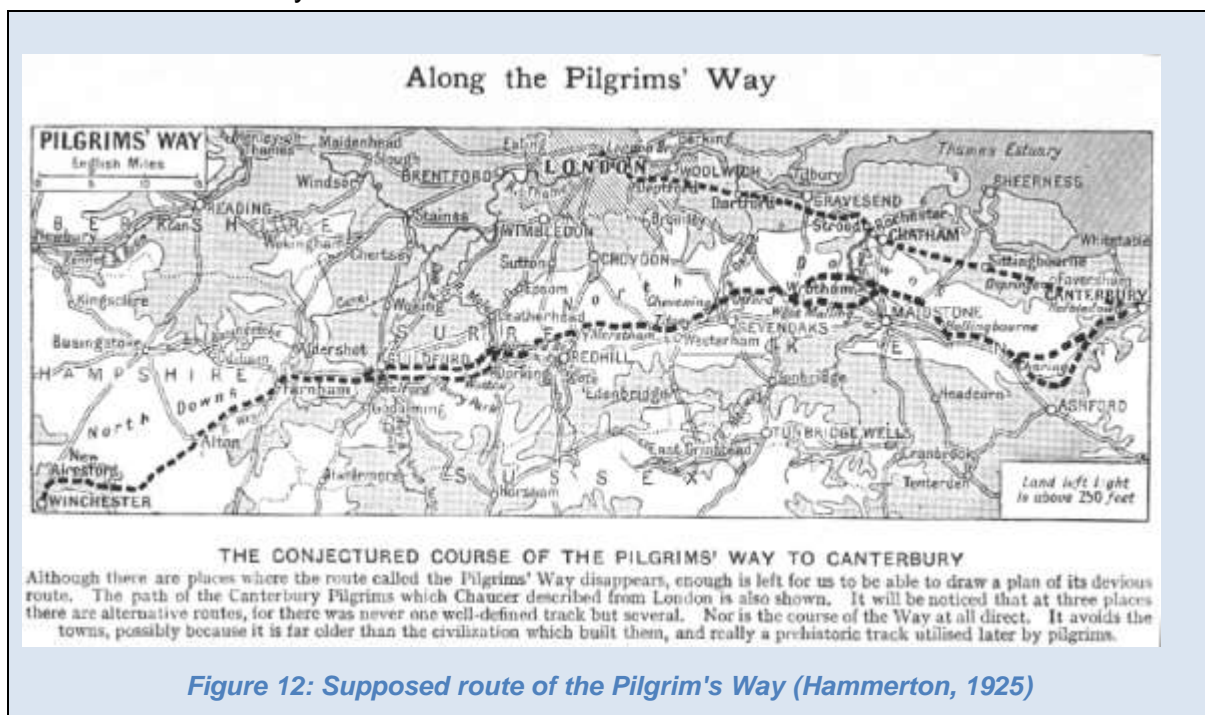


Figure 12: Supposed route of the Pilgrim's Way (Hammerton, 1925)

The North Downs Way/Pilgrim's Way is a National Trail which runs from Farnham in Surrey to Dover in Kent, following the highest point of the North Downs where possible, with a loop at the eastern end to take in the historic Cathedral City of Canterbury. It is 153 miles long in total.

Within the Borough of Ashford, the trail enters from Lenham through Charing and Westwell. It divides into two branches at Boughton Aluph, with the northern branch continuing through the AONB through Chilham and Old Wives Lees to Canterbury, while the southern branch continues through Wye, Hastingleigh and Brabourne, then on to Folkestone and Dover.

The route connects well with two of the most famous long distance pilgrimage routes in Europe. It feeds perfectly into the *Via Francigena* route running between Canterbury and Rome, while it also connects to the English limb of the route to Santiago de Compostela in Spain – better known as *El Camino*.

The Kent Downs AONB unit is the lead partner in a five year project funded by Interreg Europe (European Union) to develop green pilgrimage, with a particular focus on increasing sustainable tourism along the North Downs Way. Pilgrimage – whether for religious, secular or cultural reasons - accounts for one third of all tourists worldwide, according to the UN World Tourism Organisation (UNWTO). The project brings together partners in six regions in the UK (Kent; Norfolk), Italy (Puglia), Norway (Sør-Trøndelag), Romania (Suceava County) and Sweden (Östergötland) who, through knowledge exchange, will share best practice strategies. The aim locally is to increase walking tourism along the North Downs Way National Trail.

There is clear potential within the scope of this Strategy to promote the local heritage offer along the route of the National Trail, while also developing subsidiary walking and cycling routes that incorporate thematic trails connecting with this National Trail. This could help to encourage a wider range of sustainable tourist promotion within the borough.

6.1.8 Railways are also an important component of the routeways and heritage of the Borough. These are considered as a Theme in their own right (Theme 8). However, their impact cannot be overstated. The railway line through the borough set the scene for the bisection of the borough by the M20 motorway, establishing a significant transport corridor emphasising the split of the borough into north and south components broadly following the geological transition.

Description of the principal heritage assets

- **Drovers' Route, Sissinghurst - Bethersden**

Whilst many of the ancient drovers' paths were focused on the High Weald, a few paths exist that branch into the Borough's Low Weald area. One established route was between Sissinghurst and Bethersden, which also passed through the village of Biddenden. As derived from their names, Bethersden and Biddenden were ancient 'den' sites, and would have been used intermittently as animal pastures, with the drovers' route facilitating the movement of these animals.

- **Drovers' Route, Tenterden – Newenden**

This particular pathway started at Tenterden at one end, went through the village of Rolvenden, and ended in the parish of Newenden. Newenden sits just north of the River Rother, proving an ideal defensible place for an early settlement (as per its Saxon burgh). The route was probably used by drovers to move their animals from the pastures of Newenden to Tenterden, where there was a strong wool industry and hence demand for animals. Tenterden is derived from the Old English 'Tenet Waraden', meaning a den belonging to the men of Thanet.

- **The Pilgrim's Way/North Downs Way**

The Pilgrim's way is an ancient trackway of Neolithic origin. Despite its name the track was also used by lay people, such as merchants who needed to transport their wool from Hampshire to Sandwich when it had the wool staple for all export, as well as farmers to drive their cattle to markets. The original course was very much determined by the natural geography and would have varied between season, however it generally avoided the sticky clay of the land at the foot of the downs. From Thomas Becket's canonisation in 1173, until Henry VIII's dissolution of the Monasteries, Canterbury attracted pilgrims from all over England. Estimates have been made by the Kentish historian William Coles that on average 100,000 pilgrims used this route a year. Today the public route is split between the original North Downs Way, and the Pilgrims track, and gives spectacular views of the Borough's countryside.

- **River Rother**

The village of Smallhythe was once the country's leading shipbuilding centre in the 15th century¹⁹, building many boats for wars against the French. It boasted a tidal

¹⁹ Tenterden & District Local History Society, 'Tenterden Heritage Trail' 2010.

dock as well as a port and slipways. When the River Rother began to split up during the 16th century the ability for ships to dock there diminished. The great storm of 1636 also exacerbated the situation by forcing the River Rother to revert to its previous course, further diminishing the flow. The river at Smallhythe was left only suitable to transport cargo in small boats by the 1700s.

The Rother was used by Rye barges carrying various goods, mostly bulk cargo, until the 1930s, and Newenden was principal wharf on the route. Newenden sits at the lowest point of the river where it can easily be forded or bridged, and where the ancient ridgeway from Ticehurst, Flimwell and Hawkhurst meets the river. It was therefore a key transshipment point for cargo to and from the Weald. There has been a bridge here since mediaeval times, but the current Grade II listed bridge (Grade II* listed in Rother) dates from 1706.

- **River Stour**

Ashford town marks the start of the middle section of the River Stour. Here the East Stour and the Great River Stour join at the bottom of East Hill where the Provender Mill sits. After Ashford, the River Stour heads North East up through, Wye and Chilham, reaching Canterbury. In Roman and medieval times the river was used as a highway, connecting the South East with the sea crossings to the continent.

- **Roman Road, Westhawk Farm, Kingsnorth** (scheduled monument)

Excavations at Westhawk Farm in Kingsnorth from 2002-2007 have revealed a Roman Settlement existed here at the crossing of two important Roman Roads, one of which led from the port of Lympne to Maidstone. Various evidence for timber buildings were found at the sides of the road, some associated with ironworking. It has been suggested that this settlement was the forerunner to medieval Ashford. There is a handful of evidence in the surrounding villages also of the Roman route to Lympne, with the village of Aldington having its high-street on 'Roman Road'.

- **Royal Military Canal** (scheduled monument)

The original purpose of this canal was to act as a defensive barrier against Napoleon's forces should they invade however this did not occur. In 1807 to try and recover some of the cost the canal was opened for the transportation of goods with usage incurring a toll. In 1810 it was opened for public usage and a regular barge service was also provided which ran between Hythe and Rye. In 1860s the Government decided to let it to the Lords of the Romney Marsh for 999 years. The canal is now accompanied by a public footpath that runs the entire length of the canal.

- **Tollgate House, Pluckley** (grade II)

This house is dated to the mid-16th century, and is built in typical Dering style (owned by Surrenden Dering Manor) featuring the iconic arched windows. Given its name and location- situated on a crossroads leading to Egerton and Smarden meant it was the ideal position for a toll gate. The tollgate was historically known as Shiplands as it sits on Shipland Corner, and was erected by the Biddenden to Boundgate Turnpike Trust in the late 19th century. The toll operator would have lived in this house, one of many across the Borough.

Theme 3: Routeways

Assessment of Significance

OUTSTANDING/CONSIDERABLE

- 6.1.9 The routeways of this Borough are many and varied and include the Royal Military Canal, a heritage asset of key national and international significance, together with other routes, such as the Pilgrims Way, which are good and representative examples of this important and less common class of heritage asset. Despite the less tangible built evidential value of many assets in this theme, their significance in the historical narrative of this country is considered to be high.
- 6.1.10 From at least the Neolithic period (c.4300 - 1400BC), farmers from the South Downs, North Downs and coastal plains would drive their pigs into the woods each year to fatten them on acorns and beech mast (pannage). Pannage occurred in late summer or early autumn, and contemporary evidence reveals that around 150,000 pigs would have been driven to and from the woods of the High and Low Weald. The High Weald is characterised by ancient routeways (now roads, tracks and paths) in the form of ridge-top roads and a dense system of radiating droveways. Ancient routeways are often narrow, deeply sunken, and edged with trees, hedges, wildflower-rich verges and boundary banks. However, much of the evidential value of these assets are missing or speculative, giving them uncertain significance. The origin, function and archaeology of many routeways remains under-researched and not well understood.
- 6.1.11 The Roman period integrated the borough's territory into a tight transcontinental imperial system, and many of its routeways today still serve as our transport highways (the A28 for example). The roadside settlement at Westhawk Farm was a thrilling find for the borough. A rather

primitive map showing East Kent's Roman period connectivity is shown below, but ongoing work is required to be able to map fully the extent of Roman networks and settlement in the borough.

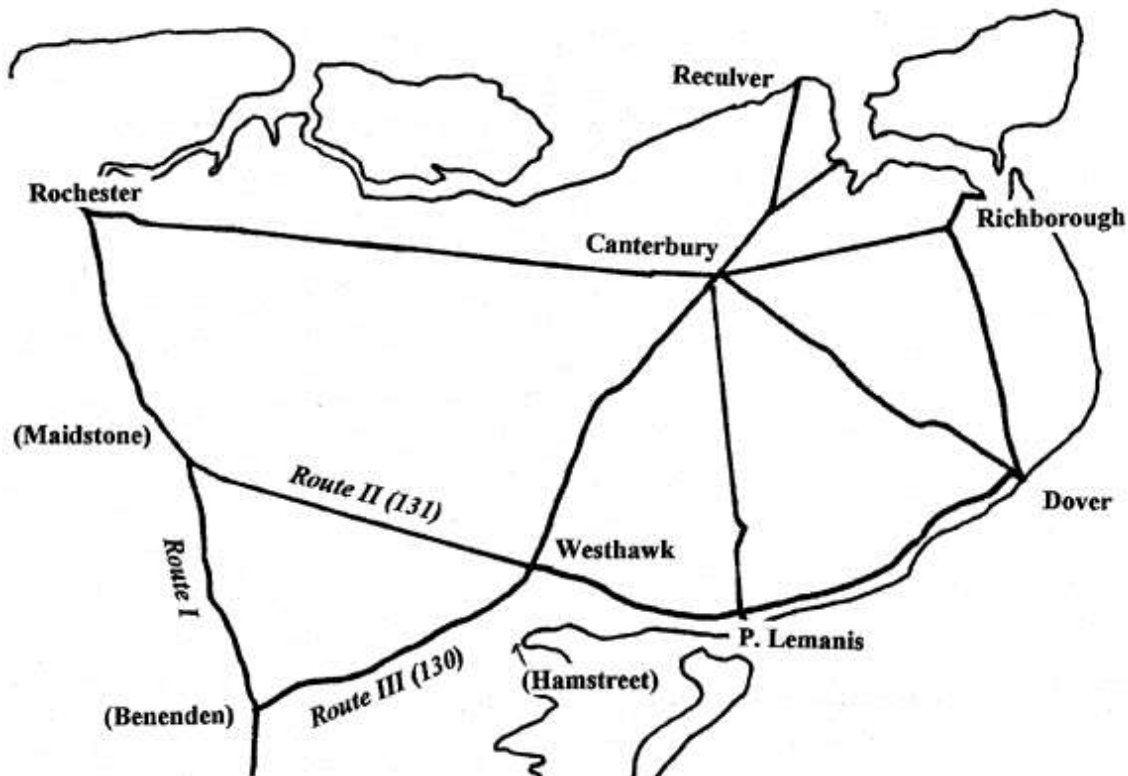


Figure 13: Several of the main Roman routes through Kent pass through the borough (following Margary, 1973)

6.1.12 A word of caution, however - the commonly-accepted alignment of Roman Roads through Kent was taken from Ivan Margary's (1973) analysis of routes through Britain. Recent analysis has proven many of Margary's routes to be not wholly reliable in terms of their routing. For instance, the 131 (above) is actually a minor road which seems to have sprung from the 130 3km south of Westhawk. However, the 131 east of Westhawk does however exist as a realignment of an earlier road which ran from Aldington through Captain's Wood in Cheeseman's Green to the 130 one kilometre north of Westhawk.

6.1.13 Further important but smaller roads run from near Godmersham, past Crundale Church over Wye Down and the Devils' Kneeding Trough, to Brook Church, then directly to Sevington Church and on through Bilham Farm at Cheeseman's Green to Kenardington, Appledore and Stone in Oxney, where there may be a Roman altar at the back of the Church. Finally, there is a north-south road through Charing which can be traced to Pluckley and may go up from the *Classis Britannica* iron works near Hastings to Faversham.

- 6.1.14 The borough's rivers, provide significant aesthetic and historical value, and have enabled connectivity of the landlocked borough to the sea, playing a major role in our shipbuilding heritage. Similarly, they have enabled the development of industry reliant on water power, and encouraged the emergence of the urbanisation.
- 6.1.15 Pilgrimage routes (Pilgrim's Way / North Down's Way), in addition to providing spatial representation of spiritual pathways also developed along nature's parameters. The network of Archbishop's Palaces were generally located along the 'spring line' interface between the downs chalk and the gault clay which still delineates the borough's landscape character – with water springing from the permeable chalk along this line. Settlement in Charing in particular has been shaped by these routeways, not only situated along the spring line, but the High Street is set within a wide Drovers Route.
- 6.1.16 Former and current railway lines are so significant to the borough's heritage offer that they are treated separately within this strategy, but the historical, evidential, communal and aesthetic value is particularly high for this broad category of assets which, in the main, remain accessible and allow the public to enjoy "the garden of England".
- 6.1.17 Routeways were defined communally as "one of our more evocative features" in the workshop, defining, integrating and providing substance to the identity of Ashford borough as a discrete unit. While the drovers routes link north to south, the Roman and pilgrimage routes link roughly east to west, all of which unite the diverse communities within the borough. As will be explored further in the recommendations section of this Strategy, there is potential for more use to be made of the tourism and leisure opportunities presented by this group of heritage assets.

Remains of the Archbishops Palace, Charing

Charing is one of a line of settlements lying below the scarp of the North Downs along the spring line, and its main High Street encloses a wider Drovers Route. It was given to the Church of Canterbury in the eighth century, and remained with the archbishops of Canterbury until the Reformation.

There must have been an early manor house on the site of the present palace, and was reputedly a favourite residence of Archbishop Thomas Becket. In the Middle Ages the Archbishop of Canterbury was the wealthiest landowner in Kent with seventeen estates in and around the county, each one within one day's ride of the next. Thus Charing was a staging post between Canterbury and Maidstone, and here the archbishop spent a few nights on his way to or from London and Canterbury, sometimes entertaining royalty or other important people. Charing was not one of the more prominent properties but it was well-placed as a stopping-off point en route between other residences.

Many of the present stone buildings date from the thirteenth and early fourteenth centuries, when the complex was expanded as the obligation to dispense hospitality on a large scale became more pressing. Possibly the earliest comprise a large two-storey chamber and the fragmentary remains of a chapel from the late thirteenth century. The rest were rebuilt in the early fourteenth century under Archbishop Winchelsea.

Entrance to the palace was via a large gateway leading into an outer court. Above the gate and round the courtyard were lodging ranges to accommodate officials and servants of the archbishop and his visitors. These include a fine private chamber for notable guests, and what appear to be two dormitories with large communal latrines attached. At the back of the court are the private apartments of the archbishop with large chambers and the chapel, originally entered through a porch.

To the right of the court, and initially quite separate from the chamber block, is the great hall, entered through a handsome porch. It is one of the largest surviving Great Halls of its period in Kent. It was originally spanned by a great timber roof, and was lit by fine traceried windows, one of which survives. The hall was turned into a barn in the eighteenth century, divided by central posts, with an oast built into one corner. Beyond the great hall was a second court which housed the kitchens and other service rooms, all later rebuilt as farm buildings (Pearson, 2001).

The extent of accommodation provided on the site is evidenced in an expense account from the time of Archbishop Stratford (circa 1348). Two stays, on 21st and 26th March (going to and from Canterbury) required hay for 80 horses when the lord visited. Wages, expenses and tips were paid to the baker and two apprentice boys, four chapel servants, four valets, fifteen pages and fifty-eight other boys. During Lent,

a proliferation of fish was procured, including 600 herring, as well as salted salmon, a sturgeon, and amounts of pike, eel, bream, trout and other fish. 428 loaves of bread were baked, and around fifteen gallons of wine and 160 gallons of beer provided. It is well known that King Henry VIII came to stay in 1520 on his way to English Calais to meet the King François I of France at the Field of the Cloth of Gold. The requirements preparing for this indulgent spectacle must have been more impressive yet.

Kings Henry VII and Henry VIII were regular guests of the archbishop at Charing, and it was during the reign of Henry VII, perhaps about 1500, that the private apartments were updated by the addition of a new brick storey. But this apart, the buildings have remained largely unaltered since the fourteenth century. In 1545 Henry VIII took the palace from the archbishops, and it was then tenanted until sold into private ownership in 1629. It became a working farm, with the buildings turned into a farmhouse, a couple of cottages, and animal accommodation, and the great hall turned into a barn. It is thanks to this that so much has survived. For whereas most of the archbishops' other residences had been rebuilt and extended many times, the fact that no one after the fourteenth century spent much money at Charing means that it is unique in retaining so much evidence of that period's style and form.

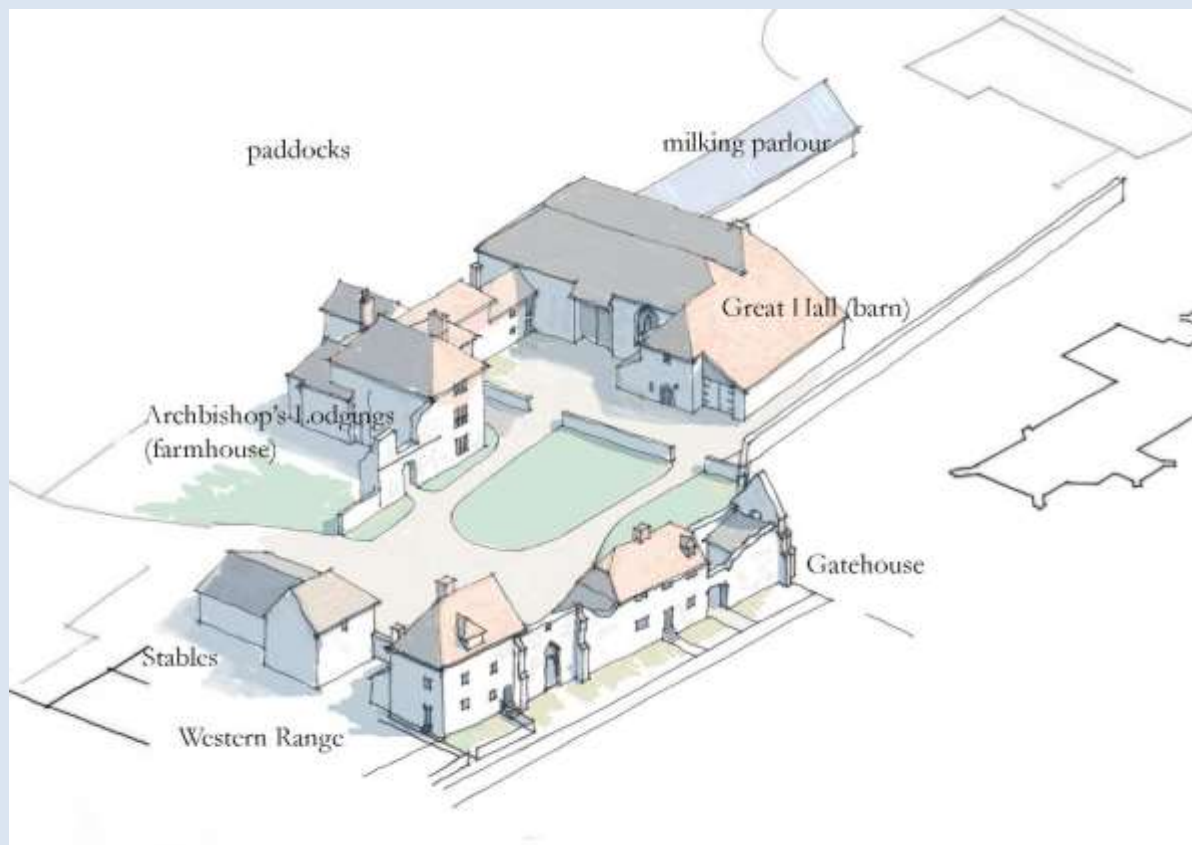


Figure 14: Layout of the Palace Complex, Charing (Thomas Ford & Partners, 2017)



Figure 15: Godinton House and Gardens

Historic Houses and Gardens

7.HISTORIC HOUSES AND GARDENS

- 7.1.1 Ashford Borough is rich in significant houses of historic importance. The Wealden Hall House, for example, is a typical and distinctively Kentish building type dating from the medieval period, and which exists in abundance throughout the borough. It is estimated that as many as a fifth of these houses that existed in Kent in the Tudor-period still exist today. Although their medieval origins can still be evident in their layout or interiors, many have since had their exterior's re-clad in brick or timber frames altered. Villages along the Stour Valley tend to have a higher concentration of hall houses, including Charing and Wye.
- 7.1.2 The borough is also home to a number of significant individual buildings that have links to renowned architects, including William Butterfield and Edwin Lutyens. These larger grand houses tend to be of Manorial status, and, along with their landscaped settings, have played an important role in shaping the surrounding rural landscape of the Borough. Many of these properties also still retain their original extensive gardens or parkland, adding to the quality of their presence today and contributing to the rural landscape and sense of place.
- 7.1.3 As well as their design and significant landscape importance, the physical remains of gardens also prove an important source for archaeological research - illustrating the material culture and importance of surroundings to people of high social status. Moated sites, such as Boys Hall in Willesborough, have revealed significant archaeological remains as the wet soils preserve the history of the land well.
- 7.1.4 A number of the historic houses of the borough are further distinguished by their links with the nation's literary heritage. This is not unduly surprising given that the borough has been home to or has strong connections for a number of notable authors. These include H. G. Wells, Jane Austen - whose brother Edward lived at Godmersham Park, Elizabeth Montagu, a celebrated literary critic and patron of the arts, the French philosopher Simone Weil, H E Bates, author of the Darling Buds of May who lived in Little Chart, Frances Hodgson Burnett whose children's classic *The Secret Garden* is based on Great Maytham Hall in Rolvenden, Frederick Forsyth who grew up in his parents' North Street furrier shop in Ashford town centre and Richard Lovelace, a Cavalier poet and member of the Lovelace family of Bethersden, who provided Ashford with its motto 'With Stronger Faith'.

7.1.5 To be clear, this category is not restricted to stately homes, castles and gardens, and can include popular vernacular housing of significance.

Description of the principal heritage assets

- **Biddenden Place, Biddenden** (grade II*)

The original building on this plot was built by Edward Hendon in 1624. It consists of 2 storeys and an attic. The red brick frontage is of a later 17th century addition. There are 5 casement windows with diamond shaped leaded panes, not quite symmetrically placed. Above the doorcase is a stone cartouche and date 1624 with the initials E H.

- **Boys Hall, Willesborough**

See entry page 44.

- **Chilham Castle Keep, Chilham** (grade I) (scheduled monument)

Chilham Castle was completed in 1616 for Sir Dudley Digges and is built the site of a Saxon castle. The early medieval castle tower is separate from the later post medieval house. Of great historical significance the Saxon castle housed King Edward II on route for France in 1320. Alterations to Digges' Jacobean castle were made in both the nineteenth and twentieth century, and as a result it features a mix of styles from Regency to Victorian Gothic designs. It is built in a hexagonal plan and features; linenfold panelling, impressive corner turrets and marble chimneys. The garden, of 24 acres, possesses spectacular views over the Stour Valley, which are complemented by Dudley's efforts to terrace the land. In the 18th century the park and gardens were redesigned and enlarged, apparently with the help of Lancelot Capability Brown.

- **Dering Windows**, seen throughout **Pluckley**

These windows are a feature indigenous to the village of Pluckley, and feature in most of Pluckley's listed buildings. The tale of their origin follows that in the Civil War (17th century) Sir Edward Dering, who was Lord of Surrenden Manor (Pluckley), was pursued by the roundheads. They searched his home, but he escaped through a small arched window, considered too small for the guards to watch. During the 19th century his descendent Sir Edward Dering had arched windows fitted into all buildings on the estate, considering the style to be of 'sacred charm'.

- **Eastwell Manor and Park (grade II)**

The original house was said to be built by Richard Plantagenet, a bricklayer who claimed to be the son of King Richard III, on commission by Sir Thomas Moyle (1488-1560), a speaker of the House of Commons, and commissioner for the dissolution of the monasteries. The current house dates substantially from the late eighteenth and early nineteenth centuries built for the 9th Earl of Winchilsea. This was severely damaged by fire, and was rebuilt between 1926 and 1928. The asset has national significance as the home of Prince Alfred, Queen Victoria’s son, in the late nineteenth century. Still further, it enjoys international significance as the birthplace of Queen Marie of Romania, Alfred’s daughter, in 1875. Queen Marie was instrumental to Romania’s entry into World War I alongside the Triple Entente (alliance with Britain and France), and in later years became a model of patriotism for the Romanian people – “The Mother of Romania” - with the unification of Wallachia, Moldavia and Transylvania following the Treaty of Trianon. The Queen’s heart was laid to rest in September 2015 at Peleşor Castle, Transylvania.



Figure 16: Eastwell's Queen Marie is an enduring figure, and the range of publications produced internationally on her public and private life and work are wide-ranging.

- **Godinton Park and House, Nr. Hothfield (grade I)**

This estate was developed by the Toke family from 1440 to 1895. The Jacobean style house that stands today was built during the 17th century around a medieval great hall, which still exists in its true medieval form inside. Significant features such as the carvings in the chestnut staircase, sixteenth century panelling, and Betersden Marble chimney pieces all contribute to the history and grandeur of this building. The drawing room also houses plasterwork by the great architect Reginald Blomfield, who redesigned much of the house and gardens at the turn of the twentieth century creating the largest yew tree hedge in England.

- **Godmersham Park, Godmersham** (grade I)

This Georgian Palladian Mansion was built in 1732 for Thomas Brodnax-May-Knight, however it has since undergone various remodels. It contains stunning interiors, the most significant of which being plaster work in the shape of musical instruments, fruits and flowers in the drawing room. The gardens feature 17th and 18th century walls and beds, as well as a lily pond. The house was notably once owned by Edwin Austen-Knight, Jane Austen's brother, and is believed to be the basis for *Mansfield Park*.

- **Great Maytham Hall, Rolvenden** (grade II*)

The original Hall on this site dates back to the early 18th century, but was burnt down in a fire in 1893. It is one of a handful of properties in Kent to have had work done on it by Edwin Lutyens, as part of its rebuild in 1909. The Garden, which had become largely overgrown until the 20th century is noted for its influence on Francis Hodgson Burnett's novel *The Secret Garden*. It was purchased and restored by the Country Houses Association in 1965 and was split into eight apartments.

- **Hendon Hall, Biddenden** (grade II*)

Hendon Hall was built by William Hendon in the late 17th century. It's a two storey red brick building with grey headers. It exhibits six casement windows with small square leaded panes, and the ground floor ones with brick architraves over. The 'gazebo' at the end of the garden wall is thought to have been used as a lookout for the arriving stagecoach.

- **Mersham-Le-Hatch, Mersham** (grade I)

Completed in 1766 in a Palladian style, this property features a red brick exterior with a slate roof. It was designed for Sir Wyndham Knatchbull, the owner of the estate. The property was altered in the late nineteenth century by later members of the Knatchbull family. The house stands on a ridge in its parkland, allowing for spectacular views over its deer park which covers 165 hectares. The park was created when the house was built and is used partly for deer grazing, and partly under arable usage. The gardens include many exotic plants and shrubs, and date back to when the house was built.

- **Mersham Manor, Mersham** (grade I)

This manor house features an original 14th century hall house with an extension that was added in the mid-1800s. Its main exterior features painted ragstone (white) and

red brick dressings. The house is adjacent to a grade II* listed barn also dated to the 14th century that features a ragstone and timber frame.

- **Olantigh Towers/Gardens, Wye** (grade II)

The original house was built in 1508 by Sir Thomas Kempe. Cardinal Kempe was the Archbishop of Canterbury and founded the nearby Wye College (1447). The house was remodelled substantially in 1762 by John Sawbridge, who enlarged the house in a Georgian style. In 1903 the house was gutted in a fire. In 1910 it was rebuilt, but incorporated the old portico dating from 1768 which was placed on the front of the new house. The new red-brick mansion is now a fifth of its original size. The house is surrounded by landscaped gardens and pleasure grounds which are enclosed by a 19th century wall. The garden once contained the Hubert Fountain, now displayed in Victoria Park, which was originally commissioned for the Second Great Exhibition in Kensington in 1862.

- **Pett Place, Charing** (grade I)

The core of this house dates back to the 16th century, with Norman traces in its cellars. In the early 1700s the house was widened and gutted by the deputy-lieutenant of Kent, George Sayer, to produce the house we see today. The property retains many original features such as eleven sash windows with glazing bars. In the gardens are the remains of a medieval chapel. It is believed that these ruins could be the original materials from the Norman cellars which were removed and reused to form a folly by Sayer's family.

- **Smallhythe Place, Smallhythe** (grade II*)

This building is a 15th century timber-framed house. It is thought the building might have been built as an inn, or as the home of a local shipbuilder. The building features 5 casement windows and a sash window. The two ranges of the original building were replaced with lean-tos in the 17th century- probably when it became a farm house. The property was occupied by the actress Ellen Terry in the 19th century, and is now owned by the National Trust.

- **Vane Court, Biddenden** (grade II*)

Vane Court was built c. 1420, and is the oldest house in the village. It is a Wealden hall-house consisting of 2 storeys and an attic. The roof is steeply pitched with 2 modern hipped dormers. King Pradjadhipok of Siam, who reigned from 1925-35, abdicated and retired here for many years. The house is a spectacular example of an early Wealden hall house, unusual in Biddenden.

- **Victoria Park, Ashford**

Victoria Park was purchased as 17 acres for Ashford Council in 1898 by Mr George Jemmett and Mr William Jemmett. It is a formal park with mature ornamental trees and a small area of woodland. In the 19th century parks became an essential amenity for the working classes to escape from the poor working conditions of industrial employment. The park has extensive open lawns, providing space for ball and track games. The Hubert Fountain, listed in its own right, was gifted to the town in 1912 now provides a focal point for the park.

- **Hubert Fountain (grade II)**

A magnificent example of 19th century cast-iron work, in the neoclassical style. This fountain was first presented at the International Exhibition of 1862 alongside its 'sister' fountain, now the Grade A listed Ross Fountain situated adjacent to Edinburgh Castle. It was subsequently purchased by John Earl-Drax – known as the 'Mad Mayor of Wye', for his home in the grounds of Olantigh Towers, Ashford. The fountain was sold on to Mr George Harper in 1910 during the rebuild of Olantigh Towers after a major fire, and it was George who presented the fountain in a generous act of philanthropy to Victoria Park in 1912.

Theme 4: Historic Houses and Gardens Heritage Assets

Assessment of Significance

MODERATE

7.1.6 There are clearly a number of Historic Houses and Gardens in the borough, demonstrating a clear progression of architectural styles from the Conquest period onwards.

7.1.7 The boroughs assets demonstrate *outstanding* significance in the following ways:

- Several of these assets are co-located with or constructed on top of significantly older features (i.e. Boyes Hall; Godinton)
- Several of these houses are directly associated with figures of international importance and renown (i.e. Godmersham; Eastwell; Chilham Castle)

7.1.8 The borough's assets demonstrate *considerable* significance in the following ways:

- There are examples of the national philanthropic movement in which prominent capitalists undertook civic amenity projects for the benefits of the working classes (i.e. Victoria Park)
- Landscaping and gardens associated with notable figures (Chilham Castle; Great Maytham)
- Combining engineering and artistic importance (Hubert Fountain)

7.1.9 Other points of note with regard to the borough's historic houses and gardens are as follows:

- Examples of timber-framed 'Wealden' style houses (Vane Court; Smallhythe Place)
- Unique and uniform window styling informed by legend (Dering windows, Pluckley)



*Figure 17: Priest (Pest) House in the churchyard of St Mary the Virgin, Great Chart (circa 1500).
(Photo: Ian Wolverson)*

Ecclesiastical

8. ECCLESIASTICAL HERITAGE

- 8.1.1 Since the Christianisation of the English peoples, dated by Bede to around 600AD, churches have acted as a focus for settlements across the borough. Not only central to worship, churches were the cornerstone of medieval parish life, with the church exerting power and control over local land, claiming tithes from laypeople and as a result becoming very rich. Today the Church still retains substantial landholdings in England.
- 8.1.2 Due to Ashford's proximity to Canterbury the Borough has churches of great historical significance. The Gregorian mission to Christianise the West began in Kent with King Aethelbert's conversion around 601AD. Sent by Pope Gregory the Great, Augustine was instructed to establish Christianity within Britain. Gregory intended Augustine to be the metropolitan archbishop of the southern part of the British Isles, and gave him power over the clergy of the native Britons.
- 8.1.3 During the spread of Augustine's work in the seventh century, Anglo-Saxon churches were built across the South East, and many of Ashford's churches have Anglo-Saxon origins. For example, the Church of St Mary in the centre of Ashford town is noted in the Domesday Book as existing in 1086 AD, making it of Saxon origin. As well as being built for the 'new' religion of England, these medieval churches also provided a place to stay for pilgrims travelling to Sir Thomas Becket's shrine in Canterbury Cathedral. Many of the churches in this borough of a significant age, can therefore be found close to the route of the Pilgrim's Way.
- 8.1.4 The pilgrimage route to, and associations with, Canterbury provided the impetus for Ashford borough's major ecclesiastical assets. Both Charing Archbishop's Palace, and the College of St Gregory and St Martin at Wye were both established in relation to the medieval cults of Canterbury; the former as a stopping point for the Archbishop on his route between London and Canterbury, and the latter as a training college for clergy.
- 8.1.5 The south-west of the borough is particularly significant for its nonconformist heritage. In the fourteenth century Lollardy was particularly prevalent in the Weald; while Smarden is noted as the home of the oldest Baptist community in Kent. The Baptist record book there was started in 1640 but there was no chapel until 1726, after the Act of Toleration, and Baptists constituted almost 75 percent of the population of Smarden in the

mid-nineteenth century. More widely, an ecclesiastical report from 1663 notes that Tenterden was “much corrupted” by nonconformist leanings; Bethersden was “much poisoned” by “violent fanatics”; over two thirds of the population of Biddenden were “schismatiques and fanatics”; while one Baptist preacher from Rolvenden – Thomas Bennet – was particularly notorious for his sermons. Within the Wealden settlements, a range of meeting houses and chapels of particular historic significance can be found, with the Unitarian Chapel in Tenterden and the Zion Baptist Church in Smarden offering particularly noteworthy associations.

Description of the principal heritage assets

- **Aldington, Church of St Martin** (grade I)

This church is of Saxo-Norman origin (11th cen.) but the chancel chapel and aisles were extended in the 13th century. The restoration of 1876 included work done by Sir Arthur Bloomfield. It features a Norman font as well as an elaborate 3 seater sedilia. The quality of the medieval work is linked to the church’s use as a chapel for the adjacent hunting lodge to the Archbishop of Canterbury.

- **Appledore, St Peter’s and St Paul’s** (grade I)

The foundations of this Church date back to the early Middle Ages. Of significance it also bears the scars of the French Invasion 550 years ago on its tower. The original church was gutted in 1380 when the French tried to burn it, and was repaired subsequently in the 14th century. The roof still includes many of its 14th century beams and 15th century screens. The interior holds 16th century engraved panels at the liturgy desk, hand-crafted by Flemish carpenters, and lying in front of the altar under the ground is Sir Philip Chute (1506-67) who was Henry VIII’s standard-bearer

- **Ashford, Parish Church of St Mary the Virgin** (grade I)

The Domesday Book refers to “Essitisford, a church and priest” in 1086 AD, referencing its Saxon origin. It is then referred to part of the Horton Kirby Priory’s complex in the 1100s. The building that exists today, in its crucifix shape, dates from the thirteenth century, and was heightened probably during the 15th century the Church by Sir John Fogge, Lord of the Manor of Repton. During the Civil War the medieval stained glass windows had to be replaced, as well as monuments inside of the church. Medieval fittings that still exist include the misericords to choir stalls, a sculptured stone figure, the 15th century tomb chest of Sir John Fogge and various early 17th century marble monuments.

- **Bethersden, Church of St Margaret** (grade I)

Of medieval origin, the nave and aisles date back to the 14th century and the chapels and tower to the 1420s. It was built of Kentish ragstone, however much had to be replaced because of weathering with Bath stone in 1873. The South chapel was built for the successful lawyer and MP William Lovelace in 1460. The churchyard features 'Oven-Vaults' constructed in 1796, which accelerated decomposition allowing for another body to be put in the same space a year later.

- **Biddenden, Parish Church of All Saints** (grade I)

Evidence suggests that a Church existed on this site at the time of the Norman Conquest, but today's church was built largely in the late 13th century of local sandstone. The chancel and early nave date to the 1200s, but the north aisle was added in the 14th century, and a further two chapels, and a tower in the 15th century. These extensions were probably facilitated by the increased wealth of the village, as it profited from the local cloth production in the early medieval period. It contains the original 13th font and brasses. The font, sedilia and piscina were all designed to show off the local marble. A tomb from 1566 is found of Sir John Mayney and his wife. He was High Sheriff of Kent in 1566. The John Mayne Primary School is named after his father.

- **Bilsington, St Augustine's Priory** (grade I)

Bilsington Priory was an Augustinian Priory established in 1253. It continued for this purpose until the Dissolution of the Monasteries in 1536, after which it became a farm. The building was supposedly used by the notorious smugglers the Ransley Gang in the early nineteenth century, who stored their stolen goods in the building. During this century it fell into disrepair, but was restored in 1906. The Great Hall still exists and is connected to a 3 storey tower, and archaeological work has found remains of what were probably the cloisters. The original function of the main hall has not been confirmed. An infirmary has been suggested, or a refectory with Prior's lodgings attached.

- **Bonnington, Church of St Rumwold** (grade I)

This is one of only 8 churches dedicated to St Rumwold in England. Origins of church in 12th century, but reconstructed in Saxo-Norman style in 14th century. The east wall contains 3 Norman windows. The N/W window contains fragments of medieval glass. Over the chancel arch are the Royal Arms of George III dates 1774. An arched double piscina features in the east wall.

- **Boughton Aluph, Church of All Saints** (grade I)

This site originally housed a Saxon Church, but was knocked down and rebuilt by a wealthy man called Adulphus in the 13th century. 100 years later it was enlarged by Sir Thomas Aldon – one of Edward III's courtiers. Medieval stained glass windows on the East side feature shields of Kings and associated Kentish families. The south porch unusually has a fireplace, suggesting it was adapted to house pilgrims on their way to Canterbury.

- **Brabourne, Church of St Mary** (grade I)

This is a 12th century church, with later additions. The chapel was added in 14th century and the top tower in the 15th century. The lower part of the tower still features the original Norman arch. The chancel holds the original 12th century window with its original glass- similar to Canterbury Cathedral's. In the chancel is one of two 13th century heart shrines in Kent, thought to hold significance with the de Valence family.

- **Brook, Church of St Mary** (grade I)

Its history dates back to the 11th century, when it was built for Prior Ernulf of Christ Church, Canterbury. It's constructed out of flint, which is in some parts laid out in a herringbone pattern with Quarr and Caen stone dressings. It possesses a Norman style three- stage tower, as well as a series of 13th century wall paintings, overlain by some 14th and 17th century murals. The church has been re-ordered to fit a 12th century design, with the chancel simply holding a medieval stone altar. The church is particularly fine for a country parish church. It is renowned for its medieval wall paintings, some of the finest and best preserved in the country. These date from the 12th and 13th centuries and were originally painted in red with gold leaf. Today they appear as dark brown on white. Within its three-stage tower, the mason's chisel marks can be observed with particular clarity; and its 700-year old decorated tile pavement in the sanctuary is the finest unaltered example still in situ in any Kentish church. The tiles were fired at Tyler Hill in Canterbury.

- **Challock , Church of St Cosmas and St Damian** (grade II*)

This church originates from the 13th century, but as a result of military tank training taking place in the local area, with several bombs falling nearby the Church was badly damaged in the 1940s and subsequently partially rebuilt in the 1950s. However, the 14th century aisles and nave still remain as they were. Significant features of this church include two sets of murals painted by John Ward RA and Gordon Davies, which depict the life of Christ using villagers of Challock as models, fragments of a medieval timber rood-screen, an unusual moulded beam in the

Chapel, and an impressive 15th century octagonal battlemented turret. The church also boasts one of the only two remaining candle beams in England.

- **Charing, Church of St Peter and St Paul** (grade I)

The significant body of this church dates to the 13th century, with the south chapel and porch added in the 15th century. During some re-construction in 1590 an accidental fire occurred, caused by a man shooting pigeons, which meant the roof of the nave had to be rebuilt in 1592 and the chancel in 1620. It holds numerous memorials of to the Dering family of Surrenden Manor.

- **Charing, Newlands Chapel** (grade II*)

This building is the oldest in the parish of Charing. Excavations have revealed a Norman chapel existed on the site and functioned as a chapel until the 16th century. Research has shown the original Norman doorway and walls existed into the early 1900s, but the chapel later fell into a ruinous state and has now been restored. Today the walls and roof are much reduced in their height compared to its original state, and the South Aisle is missing. There are several engravings and bits of 'graffiti' dated to the 17th century on the walls inside. In WWII it was used as living quarters for soldiers and was restored in 1968 to house weddings. There is much potential for further research activity relating to this site.

- **Chilham, Church of St Mary** (grade I)

The majority of this church dates from the 15th century, with the west tower completed in 1534 featuring alternations of flint and tiles. North aisle holds a memorial to Sir Dudley Digges, of Chilham Castle in 17th century, made from Bethersden marble. Mid 15th glass in north aisle window, featuring figures and heraldry of families associated with the village.

- **Crundale, Church of St Mary** (grade I)

This church has a Norman origin, with the earliest part visible today dating to the late 12th century. The north aisle was created in the 12th century with two round headed arches being cut through the nave wall. The lower half of the tower was constructed unusually early for a Norman church, in the 1200s also. There are 3 bells in the tower, the oldest dates to 1539.

- **Egerton, Church of St James** (grade I)

Built of Kentish ragstone. The chancel, north chapel and aisle date to the 14th century, whereas the nave and west tower date to the 15th century. There are some windows which supposedly date from the 1300s, but their refurbishment has made it impossible to tell. It holds the oldest 36-branch chandelier in the world. The chancel's bronze cross and candlesticks were designed by Randoll Blaking (notable church furnisher).

- **Godmersham, Church of St Lawrence** (grade I)

This church was owned by the Archbishopric of Canterbury in the 11th century until the Dissolution of the Monasteries in the 16th century. The nave and parts of the chancel date from the 11th century. The chancel was extended in the 13th century and depicts a bas-relief possibly of Thomas Becket being killed in 1170. The tower features a 12th century Romanesque apsidal chapel, as well as 6 bells. The church was restored by the famous Gothic architect William Butterfield in the 1860s.

- **Great Chart with Singleton, Church of St Mary** (grade I)

This church is built from Kentish ragstone. Although there was probably a 12th century building the oldest part of this construction dates back to the 13th century. The Nave and North aisle were added in 1300s, and the North and South chapels, south aisle and west tower were added in 15th century. The sideposts of the vestry door are Norman, dating to 1080. The south chapel contains original 14th century windows and 15th century glass, the font dates from the 15th century. The church contains several brasses and memorial windows to the Toke family of Godinton. Within its grounds, the fifteenth century "Pest House" (grade II*), is a timber-framed single storey building with widely overhanging eaves on brackets with sprockets above and a hipped tiled roof. It is potentially too close to settlement to have served as a hospital for victims of pestilence, yet may well have been too small for a priest's residence, so its use remains the subject of local legend.

- **Hastingleigh, Church of St Mary** (grade I)

The nave of this church is Norman, and possesses a very narrow 12th century window in the north wall. The rest of the church's construction dates to the 13th century. The chancel floor is, unusually, lower than that of the nave. The south window contains 16th century armorial glass, whilst the northern lancet features 13th century grisaille glass. There are traces of medieval wall paintings in the aisles, but they are very faint.

- **High Halden, Parish Church of St Mary** (grade I)

The unusual octagonal base of this church's wooden tower was built circa. 1300, and houses the entrance lobby, vestry and tower stairs. The nave is of Norman origin, with the crown post roof to the nave, and the chancel were added in 14th century. The 15th century then saw the addition of the south chapel, and north chapel which now houses the organ. The south aisle houses a three bay arcade with Bethersden marble bases used as seats. They match the quality those of Canterbury Cathedral. The windows date from the 13th and 15th centuries.

- **Hinxhill, Church of St Mary** (grade I)

A remote parish church of 13th century origin. The lancet window in the north chapel had a rere-arch, which demonstrates the wealth of the area in the latter 13th century. The 16th century perpendicular panelling is now incorporated into the reading desk and pulpit. The chancel screen is a rather unusual design, and is dated to the 17th century. The stain glass was mainly replaced by the Victorians.

- **Hothfield, Church of St Margaret** (grade I)

This church is built of Kentish ragstone. It was substantially rebuilt after a fire in 1598, caused by lightning. It was rebuilt by Sir John Tufton, who is buried in the church in a free- standing tomb. His tomb is inscribed with records of the rebuilding. The interior has no arches separating the chancel from the nave or chapels from the aisles. The organ, which came from Hothfield Place is said to have been played by the composer Sir Arthur Sullivan.

- **Kingsnorth, Parish Church of St Michael** (grade I)

This ragstone church dates back in large to the late 15th century. There is archaeological evidence however that an earlier church existed in the 10th century. The North wall contains a 15th century stained glass window that depicts St Michael slaying the dragon. Of significance are the traditional crown post roof, and a 1579 tomb chest to Humphrey Le Clerk.

- **Little Chart, Roman Catholic Chapel** (grade II)

This chapel is the only remaining wing that still exists of the Calehill Mansion, built in the 1700s. In 1954 all except from this 19th century chapel was demolished. This chapel was used by the Darell family who settled in Little Chart during the reign of Henry IV and built their estate. The chapel was built after the Restoration Period, when the family were able to publically embrace their Roman Catholic Faith, and remained Jacobite in outlook.

- **Little Chart, St Mary's Church** (grade II)

This Church exists in ruins, having been hit by a flying bomb in during the Second World War. It was originally built in three phases between 1200 and 1500 AD. After being hit by the Doodlebug the only parts of the church which still stand in ruin are the tower, which was built circa. 1500 by Sir John Darell, and part of the chancel. The original cinquefoil window also stands, without its glass.

- **Mersham, Church of St John the Baptist** (grade I)

A Norman church previously existed on this site, which was extended in the 1200s, but this was demolished and rebuilt in the 14th century. The church features an abundance of gables and a short shingled spire. On a tie-beam in the chancel is a medieval carving of a head of Joan the Countess of Kent, who was married to the Black Prince in 1361. The south chapel holds memorials to the Knatchbull family who resided at Mersham-le-hatch. The holy water font has excellent Tudor carvings.

- **Molash, Church of St Peter** (grade I)

An early 13th century church with 15th century tower and constructed of flint and ragstone, with red brick buttresses. It has a Norman font said to have been found being used as a cattle trough in 1800, which is considerably older than the building. The single 2ft 10 inch bell was cast in 1608 and has been recently restored. The church underwent restoration work by Reginald Blomfield in the late 19th century.

- **Pluckley, Church of St Nicholas** (grade I)

The chancel, spire, window of the tower and door all date to the 14th century. The font is 15th century and displays the arms of the Dering family. The church also contains a brass to Richard Malmains (d.1440), who was a prominent figure in the village. The Dering chapel dates from the 15th century, but was refurbished in 1626 with a vault being made for family burials. The ceiling of the nave features 5 crown posts and 2 tiny windows. The church is currently on Historic England's 'Heritage at Risk' list.

- **Rolvenden, Parish Church of St Mary** (grade I)

There is evidence of an Anglo-Saxon Church here, but today's building dates from the mid-14th century. The tower is built of ironstone and ragstone quoins. The porch buttresses show grooves made by sharpening arrow heads from medieval time. The chancel features 13th century lancet windows. In 1825 a gallery was added to the

south chapel to house the occupants of Hole Park. The 14th century hexagonal font features shields of Culpeper and Guldeforde.

- **Ruckinge, Church of St Mary Magdalene** (grade I)

Mentioned in the Domesday Book in 1086, this 12th century church was probably built on top of an old Saxon church. It is built of Kentish ragstone. The West tower has an upper 13th century section, which sits on top of a 12th century lower stage. Most of the stonework of the arcades was damaged in a fire. In the east window of the North aisle there are fragments of 14th century glass featuring George and the Dragon.

- **Sevington, Church of St Mary** (grade I)

This majority of this church dates back to the 13th century, but has Norman origins. Unusually there is no chancel arch inside as the church is very narrow, reflecting the small congregation it was built for. The tower features two stages and a broach spire which contains four bells. It features a large royal arms fixed to a tie beam in the traditional location, as well as lancet windows with rere-arches, which are a sign of wealth. Some fragments of glass in the windows date to the medieval period.

- **Shadoxhurst, Church of St Peter and St Paul** (grade II*)

The lancet windows in the chancel suggest this building dates to the 13th century. The nave and other features are of 14th century design. The single bell turret was added in 1788, and the south porch in 1870. The nave features a vaulted roof with crown post. The church holds an elegant marble monument to St Charles Molloy who was captain of the Royal Caroline Yacht (1750).

- **Smallhythe, Church of St John the Baptist** (grade II*)

An excellent example of a Tudor red-brick Church. The present building dates from 1516, but the chancel was reroofed in the 1747. The 16th century screen remains intact and is unusual, featuring deep moulded cornicing opposed to cresting. The exterior mirrors contemporary North European brick architecture, of rare occurrence in Kent.

- **Smarden, The Church of St Michael the Archangel** (grade I)

The main building dates from the early 14th century, and the tower from the 15th century, when the local cloth industry was in boom. It is commonly known as the 'Barn of Kent' because of its enormous nave span, nearly 36 feet, and high scissor

beam roof. On either side of the chancel are stone reredos with five arches, which originally contained wall paintings, replaced in 1907 with modern paintings as the originals had faded.

- **Smarden, The Zion Chapel** (grade II)

This buildings dates to 1841 (at a cost of £846 4s 3d) and houses the oldest Baptist community in Kent. The records of this Baptist community date back to 1640, and neighbouring villages also seem to have had strong Baptist communities throughout centuries. The building features a stuccoed front with four columns projecting from the wall supporting a cornice and pediment inscribed with 'Zion'. Many of the early Baptist families migrated to Oneida County, New York in the Mohawk Valley on the Erie Canal, and for a time the chapel was served by itinerant ministers.

- **Smeeth, Church of St Mary** (grade I)

The base of this Church was built in the 11th century of local quarried flint, but was significantly extended in the 13th century. Renovations to the tower and vestry were made in the Victorian era when they were crumbling, however efforts were made to maintain the original lower stage. The octagonal font dates to the 1400s.

- **Stone-cum-Ebony, Parish church of St Mary the Virgin** (grade II*)

This Church, of Norman origin, has moved from its original position on the Isle of Ebony, now known as Chapel Bank. After the Great Storm of 1287, the port of New Romney was left landlocked and people deserted the Isle of Ebony, moving across to Stone. It was decided to move the Church of St Mary the Virgin to Stone as well in 1858, by which time it had fallen into much disrepair anyway. The Church was moved stone by stone and still retains its medieval features. Of most significance is a Roman Altar which has a bull depicted into the sandstone. It is believed to depict the tale of Mithras, a deity who single-handedly killed a bull, dating from 100-300 AD.

- **Tenterden, St Mildred's Church** (grade I)

With main construction between the fourteenth and fifteenth centuries, the exterior is of stone rubble with a crenellated tower of Bethersden marble, dated 1467 with four crockets. The interior has a five bay nave and north and south aisles. The stone chancel arch has two blocked-in lancets, with the chancel itself dating from the thirteenth century. There are nineteenth century wooden barrel vaulted ceiling, and carved chancel screen, introduced during restoration works from 1864-1866. The piscina and sedilia date from the early seventeenth century. The church was named for the Abbess of Minster-in-Thamet, on whose land the church was built.

- **Tenterden, The Old Meeting House (Unitarian Chapel) (grade II)**

There has been a chapel on this site since 1662. The chapel that stands today dates from circa. 1700 and underwent an extensive refurbishment in 1746. Benjamin Franklin, one of the founding fathers of the United States, attended a sermon here in 1774 given by the renowned theologian, Joseph Priestley. Priestley himself is additionally credited with the invention of carbonated water and the “discovery” of oxygen. Attached to the building is a school room dating from 1839, which is undergoing refurbishment. This building is the oldest non-conformist building that is still in regular use in Tenterden. It features a wide doorcase with fluted columns, containing 26 panel moulded doors with a pediment over.

- **Warehorne, Church of St Matthew (grade I)**

The majority of this church dates from the 13th century, with its aisles and chancel added in the 14th century. The original tower was destroyed by lightning in 1770, and was rebuilt in 1777. The arcades are formed of circular pillars of Bethersden marble which are stratified. Fragments of 14th century glass figures remain in the north and south aisles. The font is 17th century Bethersden marble, and sits on a Victorian base.

- **Westwell, Church of St Mary (grade I)**

A This predominantly 13th century building is unusual in that it was built all at once, and possesses a rare vaulted chancel and an even rarer stone chancel screen. with A porch was added in the 1500s. The stone chancel arch is very unusual, consisting of 3 narrow arches with trefoil heads. The font dates from the Norman period, and is made of Bethersden marble. The north wall of the sanctuary has the head of a king (13th cen. Carving) and opposite on the south wall the head of a Queen. These are thought to be Henry III and his wife Eleanor. This is an ancient pilgrim’s church nestled under the Downs, brought back from the brink in the 1960s when it suffered from damp, rot and deathwatch beetle.

- **Willesborough, Church of St Mary the Virgin (grade II*)**

A predominantly medieval Church, with an early 13th century nave and tower. A fragment of the original Saxon church survives at the west end of the church, which belonged to St Augustine’s monastery. This church holds a substantial amount of medieval fabric (1200-1400s), and fragments of Anglo-Saxon fabric. Also features medieval stained glass windows, and 14th century carvings in the chancel.

- **Wittersham, Parish of St John the Baptist** (grade I)

This mainly 14th century church is built of sandstone and Kentish ragstone. The tower was not added until the 16th century. The tower is topped with a weathervane dated to 1751, and demonstrates a finely carved door with spandrels and label-stops on its West side. Unusually the east windows contain only plain glass.

- **Woodchurch, Parish Church of All Saints** (grade I)

This church community has existed since the 13th century, and was constructed out of Kentish ragstone. Although the chancel dates back to the 13th century it was significantly remodelled by the Victorians, as well as a famous brass from the 14th century. Despite the Victorian remodel, some older parts can be seen. It possesses an unusual 4-faced-clock and a 18 inch spire which is slightly wonky, which can be seen throughout the village.

- **Wye, Church of St Gregory and St Martin's** (grade I)

The Parish Church of Wye, dedicated to St Gregory, is noted in the Domesday Book and is of Saxon origin. In the thirteenth century the Church was given to the Abbey at Battle, who added a second dedication to St Martin. The original Church remained until the 1447, when the Archbishop of Canterbury John Kempe decided to restyle the Norman church. His coat of arms (three sheaves) features throughout the Church still. In 1572 the Church tower was struck by lightning which contributed to its collapse in 1686. This incident destroyed the whole east end of the church, which was not rebuilt until 1706. This rebuild was done in a neo-classical Queen Anne style (unusual for a church), contrasting with the medieval nave. It holds a wall plaque dedicated to Lady Joanna Thornhill, lady-in-waiting to King Charles II's wife.

- **Wye, College Cloister Quadrangle** (grade I)

Founded in 1432 by Archbishop John Kempe as a college for training priests, the original college consisted of this cloister and a detached school house. In 1894 the school moved to another premises, and the South Eastern Agricultural College was established in these buildings. A bay window in the Hall holds fragments of stained glass depicting Kempe's coat of arms. The Hall also features 4 centred arched stone fireplaces with fireback dated 1610. From 1708 the northern part of the building was used for Lady Joanna Thornhill's Charity school.

- **Wye, The Latin School Wye College** (grade I)

The Latin school was part of the college complex formed in 1447 by the Archbishop of Canterbury, John Kempe. During its time the Latin School was one of only four in the county. The Grammar Master taught the art of grammar free of charge. The building is single storey, made of flint and red brick. It features a decorated fireplace and ogee headed panelled wall cupboards below a central window.

- **Wye, Wesleyan Methodist Chapel** (grade II)

Built in 1869, this building features 3 round headed windows, separated by pilaster strips. The exterior consists of unusual red, yellow, blue and black polychromatic dressings, with a slate roof. The entrance features a font with painted pilaster strip buttresses.

Theme 5: Ecclesiastical Heritage Assets

Assessment of Significance

OUTSTANDING

- 8.1.6 The ecclesiastical heritage of Ashford Borough is particularly rich, with a large number of Grade I medieval 13th and 14th rural parish churches, together with an unusually strong non-conformist tradition in the south west of the borough. Many of the churches and places of worship found here are outstanding representatives of the ecclesiastical heritage of this country, high in evidential, historical, aesthetic and communal value. They, and their graveyards, offer strong evidential links to the past, attractive and useful for example to those interested in genealogy, while the significance of their presence in the landscape of the borough is particularly high, with their spires providing both vantage points and important visible features.
- 8.1.7 At a time when the original purpose of many of these heritage assets is changing, the potential of the borough's ecclesiastical heritage to continue to play a focal role in community life is strong. This is evidenced by the fact that while most churches in the borough today continue to be places of worship, others can also be found playing different roles, including as venues for farmers markets (as at Rolvenden Church for example) and for music, such as at St Mary's in Ashford town centre and at the highly successful Stour Festival held annually since 1963 at Boughton Aluph Church in the North Downs.

8.1.8 It is important to recognise the diversity of tradition, style and function of ecclesiastical heritage, and it is not only the churches that offer outstanding heritage significance. Both Charing's Archbishop's Palace and Wye College respectively provide focus points for their settlements and have shaped these villages' development; and both offer outstanding aesthetic, historical and evidential value. Likewise, the nonconformist assets in the Wealden villages are of considerable historical and aesthetic value in a wider sense, as well as outstanding communal value for the particular social forms of interaction these assets have enabled.

Socio-religious heritage in the Weald's nonconformist tradition

The fine villages of the Weald made their name from the profits of the iron and wool trade in the medieval period, Wool was spun, woven and finished within the community and then stored in cloth halls before being sold on. A mixture of prosperity, migration and an emerging tolerance of religious diversity enable nonconformism to thrive in these communities. The Baptist history of Smarden, home to the oldest Baptist community in Kent, is now told through the remaining Tilden (1892; est. 1726), Zion (1841; est. 1726) and Bethel (1901) chapels, is of considerable significance to the story of the borough, although it is frequently overlooked. It is to be noted that these communities have a longer history than their chapels, and a great part of the socio-religious history of these communities are linked to Baptist faith.

A typical service at Zion in the mid-1850s lasted 1.5 hours and consisted of hymn - lesson - long prayer – hymn – sermon – prayer – benediction. Hymns were generally through call-and-response (since many in the congregation could not read). Men were required to remove their hats upon entering the chapel; and men sat downstairs with women in the gallery. The congregation would sit to sing, and men would stand during prayers. Communion services were held every third Sunday afternoon.

Lectures were reasonably common at Zion, including on such topics as “The travels and explorations of Dr Livingstone” – opening up the world to parishioners who had never left the parish. In December 1861, the Rev. J. Sella Martin – a fugitive slave and then pastor of a Baptist church in Boston, Massachusetts, came to Zion and gave a lecture on the progress of the Civil War in the United States, giving a thrilling account of his own escape from slavery. This was given to a packed venue, and £7 was raised to assist in the purchase of his sister and two children from slavery. While in the community, he preached three times and presided at the Lord's Table. These events drew the largest congregations ever at Zion, and the memory of the event was recalled in the community sixty years later.

While the Weald in particular is particularly rich in nonconformist history, the contribution these groups have made to the social and aesthetic life of all communities in the borough should not be overlooked.



Figure 18: Ashford Cattle Market in the High Street during the early nineteenth century (Ashford Museum)

Industry and Commerce

9.INDUSTRY AND COMMERCE

- 9.1.1 Throughout its history, the landscape of Ashford Borough has influenced the industry that has developed here. Commercial activities in the borough have been both extensive and diverse, producing such a wide range of products that the area emerges as enjoying a largely self-sufficient character.
- 9.1.2 For example strong soils have encouraged the development of vineyards, with Biddenden housing Kent's oldest commercial vineyard, and hops with the borough continuing to be the at the forefront of hops research and the brewing industry of the country, focused at Wye in the North Downs.
- 9.1.3 The soils of the borough have also long provided a rich source for quarrying and extraction, giving rise to such businesses as Bethersden marble and the brickworks at Nacolts, Brabourne and Pluckley. Many local archaeological features reveal the long heritage of the industrial processes of quarrying here, or, more frequently, showcase the use of this material. Chalk has been commonly used as a source of building material in the borough for centuries. It is mostly used in the form of lime used in buildings for a wash for painting, a sealant for walls, and as improver for clayey soils. In the form of blocks, known as clunch, it was also used as a structural material, including in the vaulted roof of the medieval undercroft at Wye constructed of clunch blocks from the local quarry at Crundale.
- 9.1.4 Evidence of smelting and smithery have also been found in the borough, including at Biddenden, Tenterden and Hamstreet, dating back to the Anglo-Saxon period, suggesting a strong history of ironworking in the area. Other finds, including at Mersham, have also uncovered evidence of iron production in the Roman era. Many of these artefacts were found as part of the extensive series of archaeological digs undertaken before construction of the channel tunnel rail link started. Materials unearthed included iron slag, hammerscale, and the remains of hearth bases.
- 9.1.5 Mills are another particularly important industrial feature of Ashford's heritage that contribute to the borough's historic landscape and are strongly valued by its residents as evidenced in feedback at the exhibitions and workshops held as part of the preparation of this Strategy. Whilst the River Stour provided an ideal opportunity for the industrialisation of water, the use of wind-mills is also present among the borough. Generally the mills in this borough were used to make flour and paper. The production of

these necessities however also facilitated the production of other materials, including weaving and textiles. Buildings such as the Old Cloth-Makers Hall in Biddenden would have benefitted from the existence of Ashford's mills creating a market for their materials. Indeed, the woollen trade was a significant one within this borough, with Edward III granting a charter which allowed a weekly market and annual fair to be held at Smarden as a means of encouraging the woollen trade that was then so important to the area.

9.1.6 Public houses are another frequent feature of local industry and commerce. The growth of hops in rural villages encouraged the development of public drinking houses, creating a focal point for communities. The growth of Inns also resulted from the increased demand for hostelries from the popularity of pilgrimages, which were particularly prevalent in the middle ages. Due to the borough's proximity to Canterbury, Ashford's villages were a popular stopping point before reaching Becket's shrine. The establishment of Turnpike Trusts in the early 1700s also encouraged travellers to stop and seek rest, food and drink, further facilitating the establishment of public houses along these roads. The names of pubs which survive today give tantalising glimpses of the industrial heritage of the borough, such as the Farriers Arms in the village of Mersham and The Honest Miller at Brook; or else are symbolic of the historic routeways crossing the borough, including roadside inns such as the Halfway House in Challock, or Wagon and Horses at Charing.

9.1.7 Finally, as well as the railway (this is covered in more detail under the Railways Theme) and industries with strong associations with its farming heritage, such as the Ashford tannery, the borough was home to a number of more unexpected industries, chief of which was shipbuilding. Smallhythe near Tenterden now a landlocked hamlet, was in the 16th Century the largest English shipbuilding site outside of the Royal Dockyards and one of the most important shipbuilding centres for Henry IV, Henry VII and Henry VIII.

Description of the principal heritage assets

Manufacturing and Processing

- **Old Cloth Workers Hall, Biddenden** (grade I)

Whilst the neighbouring village of Smarden also houses a medieval Cloth Hall, its rival in Biddenden is of a more spectacular grade, and therefore warrants particular

attention. This building which can be observed from the high street is believed to have been the dwelling quarters and workshop of cloth workers. Though the building was at one point split into 8 separate dwellings, it has now been restored to its former singular residency. The majority of the building dates back to the 1400s, with the east end believed to have been added in the 17th century.

- **Biddenden Vineyards, Biddenden**

This is Kent's oldest commercial vineyard. It was established by the Barnes family 1969. The original plantings covering a mere third of an acre have now grown to 23 acres. Red, White and Rosé wine are produced on site, as well as a selection of ciders and fruit juices.

Mills

- **Charing Windmill, Charing** (grade II)

This smock windmill was built in the early 19th century. Charing Mill is a three-storey smock mill on a single-storey base. The three pairs of millstones have been removed, but it still has its Kentish-style cap. The mill remained working until 1891, when business was moved to the local watermill. The machinery has all been removed and the main floor converted into a studio.

- **Chilham Watermills, Chilham** (grade II)

This site consists of a watermill, mill house, storage building and bridge. It was built around 1850 and altered in the mid-20th century. The mill is an impressive 4 storeys tall structure with attics. A lean-to brick extension houses the water wheel. The interior is intact, with paddle wheels, stones and grain bins and hoppers still existing.

- **Donkey Wheel, Chilham** (grade I)

This extremely rare example of an 18th century donkey wheel is found within the Chilham Castle Keep complex. The building is a timber framed structure with a tiled roof. Donkey Wheels were used to supply water to a building, and are rare, with only four remaining in the South East.

- **East Hill Watermill, Ashford**

This watermill was first referenced in the Domesday Book, and was probably situated somewhere on East Hill. At the time of this survey there were about 5,624 watermills in England, only 2% of which have not been found through archaeological

work. By 1300 it is estimated the total number had risen to 10,000 watermills. This particular mill was referred to as the "lord's mill" in the Domesday book, and was used to make flour. It was later known as the Provender Mill and was expanded to its current 7 storeys in 1901. In 1974 the building was damaged by a fire, but the tower survived.

- **Rolvenden Windmill, Rolvenden** (grade II*)

This windmill was built in the 1580s, and is marked on various seventeenth century maps. The mill has not been working since 1885, when two of its sails were removed. During WWI the main roundhouse was demolished and by the 1950s it was derelict. However, the mill was restored in 1956 by the Alford millwrights. It was constructed as a 'post mill', and was used for corn milling. It demonstrates a complete image of what a sixteenth century mill looked like.

- **Swanton Watermill, Mersham** (grade II*)

This 15th century watermill is in full working order. The mill was constructed as part of a 3 bay hall house, housing a mill and wheel in the 2 storey end part. The mill was extended in the 19th century at both the south and east end. The present wheel in the mill was made in Canterbury, and is an unusually size overshot wheel, possessing 42 buckets. The mill is open as a museum and still grinds organic wholemeal flour.

- **Willesborough Windmill, Willesborough** (grade II*)

This white smock mill was constructed in 1869 by John Hill of Ashford Mill-Wright. The octagonal smock mill of white weatherboarding sits on a rectangular brick base of 2 storeys. The windmill produced enough power to turn four sets of mill stones, as well as oat crushing machines. In 1872 a steam engine was added to the mill to keep it working when the wing had dropped. It was restored in 1991 by ABC and is open to the public.

- **Wittersham Windmill, Wittersham** (grade II*)

Stock Mill is the tallest post mill in Kent and one of the very few of these types of mills to survive, most being demolished to make way for more efficient smock mills.. Built in the late eighteenth century in Wittersham, it is believed it could have been moved from elsewhere on the Isle of Oxney after the Great Flood of 1287. At one point the mill was used as the parish poorhouse, providing work to those who had no home. The mill ran in use until the beginning of the twentieth century. It has since

undergone various renovations to bring it up to working standard again. It was used for corn milling.

- **Woodchurch Windmill, Woodchurch** (grade II*)

The windmill standing here today is one of a pair, which were known as 'the twins', and were bought here from another site. This Mill dates from the late 1700s, and came from Susan's Hill to today's site in 1820, which had poorer access. It stopped working in 1926. It is a smock type mill and possesses its fantail intact. Its boat – shaped cap is damaged.

Pubs and Inns

- **The Bull Inn, Bethersden** (grade II)

This building is an ancient Inn, dating back to 1645. Its name derives from the fact the pub was built on the old bull green. It featured as a frequent stopping-place for coaches during the 18th century along the turnpike road from Ashford to Tenterden. In later years the stables were used as a prison, and the local home guard trained here during WWII. It features three original casement windows with pointed Gothic heads, and eave cornices featuring modillions and cogging.

- **The Farriers Arms, Mersham** (grade II)

This public house dates from 1606. When it was first built it was used as a farm dwelling, and adjoining stables and a forge were added in 1632. In 1829 William Prebble bought the house and was granted a license to sell ales and ciders. The core of this building is timber framed and the exterior features a catslide to the rear.

- **The Five Bells, Brabourne** (grade II)

The buildings dates to the late 18th century and was constructed for the purpose of operating as a parish workhouse. Towards the turn of the century it became a public house, licensed to a Mr Thomas Cassell in 1783. The building features painted brick on its exterior, with original bar sashes on both floors.

- **The Honest Miller, Brook** (grade II)

This building was built in 1609, one of fifteen houses in the parish at the time. In 1638 it is noted that the miller of Brabourne, Cedric Smarte lived here with his wife and 6 children. From this date until 1793 the building housed farmers or millers. In 1793 the hop grower Thomas Waite was granted a license to sell ale and cider at

this premises. In 1804 the property was given the title the 'Honest Miller' and was the meeting place of many sportsmen. Its exterior features white weatherboarding on the first floor and sash windows on the ground level.

- **The Old Bakery, Hamstreet** (grade II)

This Wealden hall house, now a residential property- was once a pub called the Six Bells Inn. The building is of a significant age dating to c.1500, with a lean-to (extension) added in the 20th century. The property would have originally been built for a yeoman farmer. The exterior features the exposed timber frame and brick work, as well as jetties on both sides supported by dragon posts. Given the properties positioning, on a crossroads between Hamstreet, Ashford, and the Marshes it is ideally placed for a coaching inn.

- **The Old Mill, Kennington** (grade II)

This pub dates back to the early 19th century. In the 1900s it was popular with nearby hop pickers. The pub also featured its own Goal Running club team, a sport indigenous to the East Kent, popular in the late 19th century. Mill lane, which runs alongside the pub, housed the Kennington Water Mill.

- **The Royal Oak, Mersham** (grade II)

The original parts of this building date back to 1592. It was built as part of the Mersham-le-Hatch estate as the gamekeeper's lodge. It became licensed for the selling of ale in 1723- becoming a public house. The building was then renamed 'Royal Oak'. The house features an original hall house layout, with a timber frame core. In the rear courtyard is an original hay basket attached to the inner wall.

- **The White Horse, Chilham** (grade II)

This building was a thatched farmhouse built in 1422, but became an alehouse in the mid-1800s used for festivals held at the parish church (just behind the Inn). The building features an exposed timber frame on the first floor, and painted brick exterior on the ground. Approximately 50 years ago two skeletons were found buried underneath the pub, dated to the 14th century. They are said to haunt the pub.

- **The Woolpack Hotel, 26 Tenterden High Street** (grade II)

This 16th century timber framed building comprises of 2 storeys. At the north end of the west facing front some timber frame-framing is visible. The doorway features a depressed arch. The building was established as a coaching inn, with the arch

providing access for coaches. It is likely Bishops and Archbishops stayed here whilst attending confirmations at St Mildred's.

- **The William Harvey Public House, Ashford** (grade II)

It is claimed William Harvey often stayed here during the early 17th century, hence its name. The timber framed building dates back to the 15th century and features the 1st floor overhanging on brackets.

- **Woolpack Inn, Warehorne** (grade II)

This building was built in the mid-1500s as a farmhouse. In the 18th century it was one of the centres of the wool fairs for the marsh area. It is thought the pub take its name from wool being weighed and packed here. The cellars appear to have once had a tunnel leading under the road to the church of St Matthew opposite. The building was extended in the 19th century, when it was renowned as a smuggling centre.

Shops

- **New Biddenden Stores, The Maydes Restaurant, Ye Ancient House, Biddenden** (grade I)

This collection of timber-framed properties is said to have been a workshop to one of the weavers. Many of the weavers came over from Belgium, exploiting the demand for beautiful cloth in the south east, and were able to display their wealth through their impressive properties. The first floor rooms would have originally been one large room where the looms were fixed. Above one of the doorways is a painted carving of a bearded man - supposedly taken from a ship in the Spanish Armada. The properties are also surrounded by contemporary marble paving, originating from Bethersden.

- **Ye Old Cellars Inn, (no.3 + 5) Tenterden High Street** (grade II)

The building dates from the early 18th century and started as wine cellars for Avery, the wine merchants. The family business remained on site for the following 200 years. In the 1880s a drinking saloon was opened in the underground part of the building, and was open until 1986. The building features 2 storeys, built in 2 sections. The east section has a higher front with parapet and features bay windows, and a doorcase with pilasters. The west half is a timber framed structure which features moulded wooden eaves cornice. Today both parts are used as shops.

- **The Miller's/Chandler's Warehouse, No. 19, 21 and 21A Tenterden High Street** (grade II)

The building dates from the 18th century and consists today of a house and 2 shops. The 3 storied timber framed building features mathematical tiles with painted wooden quoins at the corners. The east side of the building on the 1st and 2nd floor is occupied by a loft door and window, and formerly hoist machinery- suggesting the building was used as a miller/chandler's warehouse originally.

- **1-5 Kings Parade, Ashford** (grade II)

This collection of shops is situated on an island in the middle of Ashford town's high street. The building is the former market building, now divided into individual shops. It dates to the mid-19th century and features a central pediment with modillion eaves cornice. The west end is rounded with paired Tuscan columns to the 1st floor level.

Theme 6: Industry and Commerce Heritage Assets

Assessment of Significance

CONSIDERABLE

9.1.8 The industrial and commercial heritage of this Borough contains numerous and particularly wide ranging examples of an often overlooked aspect of our history. The value of this group of assets is considered to be predominantly historical in nature but with much potential for enhancement in communal value through tourism and education initiatives. This will be explored further in the recommendations section of this Strategy.

9.1.9 The communal value of this heritage is particularly high in Ashford town, as local identities are often very much associated with particular industrial and commercial features of the town that are either now gone or in a state of neglect. Some of these assets include the tannery formerly on Tannery Lane; and most acutely the Cattle Market at Elwick Road. Local engagement has highlighted that, while not on the scale of internationally-famous centres of the Industrial Revolution (Manchester and Birmingham in particular), industry and commerce in Ashford town are of considerable local and regional significance.

9.1.10 Ashford's identity as a market town was intrinsically linked with the Cattle Market and, following the town's two royal charters, it was in the 1780s that local farmers began organising an informal market in the Lower High

Street to take advantage of the town's prime location. The current monthly Farmer's Market has returned to this site to celebrate this legacy. The Ashford Cattle Market Company Ltd was founded in 1856, and took up residence at its more famous site at Elwick Road until 1998, when the Channel Tunnel Rail Link forced it into its current premises in Orbital Park. Although the Market Wall on Elwick Road remains, the loss of this symbolic aspect of the Ashfordian identity from the centre of town continues to reverberate, and it is proposed that more could be done to reconnect the town with the grittier and dirtier elements of its industrial and engineering past. An important proposal for this strategy is to raise the profile of the borough's messier heritage assets (which could include heavy industrial sites or buildings with historic interest) as much as idyllic rural features and settlements. The spatial development strategy of the borough is heavily skewed so that ninety percent of all development occurs in and around Ashford, and recognition of the full range of productive activity could ensure improved place-based designs and layouts, conserving the evidential value of the town in particular.

9.1.11 This historic development of the town is evident in a medieval core surrounded by an industrial belt. This belt's origins are equally ancient, supporting dirty and smelly industries from at least the eleventh century, but greatly expanded in the eighteenth and nineteenth. This belt in general is of moderate significance, but is of considerable regional significance especially in terms of its aesthetics. This belt included the water mills powered by and the tannery drained by the Stour; the engineering industries, mills and laundries associated with the railway; the iron furnace and brickworks to the west of the town. Much of this remains now only in memory, but serves as the connective thread between the borough's rural and urban industries. Engineering expertise from agricultural machinery was adapted to locomotive engineering, putting Ashford on the map as a railway town.

9.1.12 Commerce and industry is not limited to Ashford town, although urban areas have been particular focal points for such activity which expanded greatly in the nineteenth century. The value of rural industry is often more broadly valued, with Cloth Halls in Biddenden and Smarden particularly special and aesthetically pleasing examples of the enterprising medieval town. Once again, there is considerable communal significance drawn from local industrial heritage in these locations through these focal assets providing a sense of belonging and identity for residents.

9.1.13 Finally, the heritage value of both urban and rural pubs is likewise considered to be of considerable communal significance. Roadside inns have moderate aesthetic and historical value in rural areas, yet have connected local communities and rural travellers for centuries, often along ancient routeways. Urban pubs are very dependent upon market changes, and deindustrialisation alongside the decreased importance of railway transport has greatly reduced the number of brewers and drinking holes in Ashford town. Promotion of the 'Curious Brew' project on Victoria Way is one way in which the tradition of urban brewing in Ashford can be retained.



*Figure 19: Gas cylinder gate post at Chilmington Green, retrieved from RAF Ashford 1945
(Photo: Ian Wolverson)*

Invasion and Defence

10. INVASION AND DEFENCE

10.1.1 Ashford's location, and its proximity to both the Channel and London, has led to the borough playing a pivotal role in the ancient invasions by the Vikings and the Romans, as well as the more recent World Wars.

10.1.2 One of the most significant defensive feature in the Borough is the Royal Military Canal, a Scheduled Monument, built in response to the threat of invasion by Napoleon in 1804. To defend the area a 28 mile long canal was built from Seabrook, around the Romney Marsh to the River Rother near Rye. It passes through the southern extent of the borough from Bonnington in the east, to Stone in Oxney to the west. By the time the Royal Military Canal was fully ready for use, however, the threat of invasion had passed and in 1807 it opened to navigation instead, collecting tolls for the transportation of produce and goods. The canal was requisitioned by the War Department in 1935 as war in Europe became increasingly likely, and the banks of the canal were subsequently lined with pill-boxes. Today the Royal Military Canal is one of the most significant heritage assets of the borough. It is also an attractive leisure attraction, and is accompanied by a public footpath along its length. Plans to extend the existing partial cycle path along its full extent are in progress and represent one of the recommendations of this Strategy.

10.1.3 Despite no land invasion occurring during World War II, because Ashford had an important railway with links to London it was a target for bombs. Due to its strategic position Ashford was chosen to house the Joint Services School of Intelligence at the Templer Barracks, part of the Repton Manor estate. This was commissioned in 1969 and continued to recruit and train men until its closure in 1997. The original buildings were subsequently demolished to make way for the Chanel Tunnel Rail Link, apart from Repton Manor House.

10.1.4 The rural villages of Ashford also played vital roles in contributing to the War effort. Airfields such as Lashenden in Headcorn were opened on low-lying agricultural land, from 1943 when there was a desperate need for landing fields, as allied forces moved East through Europe. These Airfields were used not just by the British Royal Air Force, but also by the Royal Canadian Air Force, and the United States Army Air Forces.

10.1.5 Of course, the invasion of the territory was not always a human in nature. The Saxon Shore was often vulnerable to the sea's intrusion. Among the most notable defensive structures to stave off this threat are the systems

of drains and sewers draining the areas leading to the Romney and Walland Marshes to the south of the borough, most notably the Rhee Wall and the Knelle Dam.

Description of the principal heritage assets

Military

- **Royal Military Canal** (scheduled monument)

The Royal Military Canal is situated on the low-lying ground of Romney Marsh. Extending 28 miles in length, 11.3 miles of which are in Ashford Borough, the monument comprises the canal itself as well as many WWII concrete pillboxes and intermittent stretches of parapets and visible earthworks.

- **Anti-Tank defence, Godmersham Park**

Kent features two Second World War 'stop lines', which were erected in the hope of stopping enemy military advance. On the border of Godmersham Park with Kings Wood near Challock stands an anti-tank defence. This consists of a large rectangular leap 1.5 meters high and 1.5 meters wide. The valley in Godmersham Park became the site of a resistance Army Bunker, and the woodland provided good shelter for airship mooring. This specific site was therefore crucial in the War effort.

- **Castle Burgh Toll, Newenden** (scheduled monument)

The Castle Toll monument consists of two super imposed defensive sites. The earlier settlement has been identified as a Burgh dating back to the 800s AD, however excavations have revealed its construction may not have been finished. This is supported by writings from the Anglo-Saxon Chronicle which tell of the Viking invasion of 892 AD that stormed an unfinished fort. It is thought this unfinished fort is Castle Toll. Within this site of 8 hectares is evidence of a smaller but stronger defence, surrounded by a 2.3m bank and 2m ditch the other side. Archaeologists have dated this defence to the early 13th century, and suggest it was built to deter French raids up the River Rother.

- **Chilham Castle Keep, Chilham** (grade I)

Chilham Keep is a polygonal building that dates from 1174. However it is believed it was built on the site of a much older Anglo-Saxon fort. It is said to have been built for Henry II, who obtained the English throne in 1154, and was probably built as a result of Henry's turbulent relationship with King Louis VII of France (in case of attack). The

building underwent significant restoration at the beginning of the 1900s, and is still inhabited. It's shape is significant, standing as only one of two octagonal keeps still existing in England. Although there is evidence of an unfortified stone hall existing along its west wall this no longer stands. Its past owners have included the artists Charles Ricketts and Charles Shannon.

- **Mark. IV. Tank, St Georges Square, Ashford**

On 1st August 1919 the town of Ashford was presented with a female Mk. IV tank, possibly made in Lincoln, to thank the people for their war efforts. The tank is situated on a platform near the centre of the town. The inside of the tank was previously used by Seeboard as an electricity substation, but this has now been removed. A protective gazebo was built in 1988 to protect it from the weather. It is one of only seven remaining mark IVs, and the only presentation tank still on public display outside of a museum.

- **RAF Ashford, Great Chart**

This former Royal Air force landing ground is located approximately 3 miles west of Ashford. It was opened in 1943 as a prototype for the temporary Advanced Landing Ground airfields, which were required after D-Day operations. It was used by both the British and the United States Air Force. It was closed in September 1944. The land today is used for agricultural purposes, but parts of the runway are visible on satellite images.

- **RCAF Headcorn, Headeorn Egerton**

This Royal Airforce ground – inside the western boundary of the borough - was opened in 1943, as a prototype for the temporary Advanced Landing Ground airfields which were needed as our forces moved east across France. It was used by the British Air Force, and the United States Army Air Force. It closed late in 1944. The site today is used for agricultural uses, unrecognisable as a former airfield.

- **RAF Kingsnorth, Kingsnorth**

Opened in 1943 this site was established as a prototype temporary Advanced Landing Ground airfield. These were to then be built in France after D-Day, as our forces moved east across France. Kingsnorth was used by the British and United States Army Air forces, until it closed in 1944. The land today is used for agricultural purposes, but sections of the runway can be seen clearly from aerial or satellite images.

- **RAF Lashenden, Headcorn**

This airfield was opened in 1943 during WWII, as a prototype for the temporary Advanced Landing Ground airfields built after D-Day. This airfield was used by the British Royal Air Force, the Royal Canadian Air Force, and the United States Army Air Forces. It closed in September 1945. After the war the land was used by farmers, until the 1950s when civil aviation became of interest again. It currently exists as a private grass airfield, offering introductory training, as well as hosting the Parachute Club.

- **RAF Wye, Wye**

This station in Wye was a temporary First World War training airfield. Wye aerodrome was opened in May 1916 by the Royal Flying Corps as a training airfield. The airfield was located in 86 acres of low lying land. Following the end of WWII the American departed from this training centre, but it continued in use by No. 3 Squadron of the RAF. In October 1919, when the field was declared surplus to requirement, it was restored to agricultural usage.

- **Repton Manor (Templer Barracks), Ashford (grade II)**

This manor house was mentioned in the Domesday Book, but the building mainly dates from the 16th century or early 17th century. It was extended and re-fronted in the early 1800s. It features a red brick exterior, and an impressive 8 octagonal chimneystacks. In 1930 the building became an officer's mess, and later in 1967 it became accommodation for the Commandant and Inspector of Intelligence. In 1975 it became the main School of Intelligence Service.

- **The Old Watch-house, Appledore (grade II)**

This early 19th century building was constructed to keep a watchful eye out for potential invaders who had accessed the canal, during the threat from Napoleon. It is a one storey building, made from Kentish ragstone and brick, and has a slate roof and chimneystack.

Water

- **Knelle Dam, Newenden**

The Knelle Dam, constructed in 1332, was “a sea wall at a place called Knellesflote... for the preservation of lands between that place and Robertsbridge”, and between the lands of Geoffrey de Knelle and Isabella Aucher (Eddison, 1985) –

at the western end of the Wittersham Levels. The sea was prevented from entering the levels by the Wittersham Sea Wall, built across the eastern end of the valley. This enabled some of the levels to be used for agriculture all year round, although some was only suitable for summer grazing.

With the construction of the Knelle Dam, the River Rother was routed around the northern side of the Isle of Oxney, via Smallhythe and Appledore, thus leading to their prosperity as trading and shipbuilding centres, and for a long time avoiding flooding of the Levels. However, by 1590 much of the Rother and its tributary valleys were under water – this time due to freshwater flooding.

The Knelle Dam was accordingly deliberately breached in 1635, allowing the Rother to resume its natural course south of Oxney once more. From 1600 onward, significant projects to drain the Upper Levels were undertaken, including the construction of a Great Freshwater Sluice below Appledore to limit tidal inflow and to control outflow. However, by 1750 the resumed course of the Rother was already bringing trade and prosperity to Rye and Winchelsea at the expense of those settlements within Ashford's current boundaries.

- **Rhee Wall, Appledore**

The Rhee (ea , watercourse, OE) is a pair of double walls, some 50-100m apart, which extends seven miles from Appledore to New Romney. It was built up gradually to convey water in a channel between those walls to help flush out the harbour of New Romney when that was silting up. The system may have started bringing fresh water in the 12th century, and certainly in the 13th was vitally trapping salt water flowing up to Appledore at high tide, and bringing that down to Romney.

The earliest segment of the Rhee is the short structure running from Appledore to Snargate. However, the western end of the Rhee was destroyed when the Royal Military Canal was constructed in 1805, which most probably contained the site of the sluice. The Rhee now runs from the Appledore pumping station, following a broad curve in an ENE direction before heading south-east to Snargate.

~~The Rhee Wall runs 7.5 miles from Appledore within the borough, to New Romney. It consists of two parallel earth banks some 50-100 metres apart. The ground between these banks is raised well above the marsh on either side. 'Rhee' means 'watercourse' in Old English and, although it has not contained water since about 1400, it was constructed as a channel to convey water from Appledore to wash away the silt being deposited by the sea in the harbour at Romney.~~

For over 100 years the flow was maintained, but silt accumulated and blocked the channel. By 1400 the channel had dried out, and the Rhee 'wall' was left as a tract, usefully raised above the marsh and preventing possible floods. It is now followed by the Appledore to Romney road.

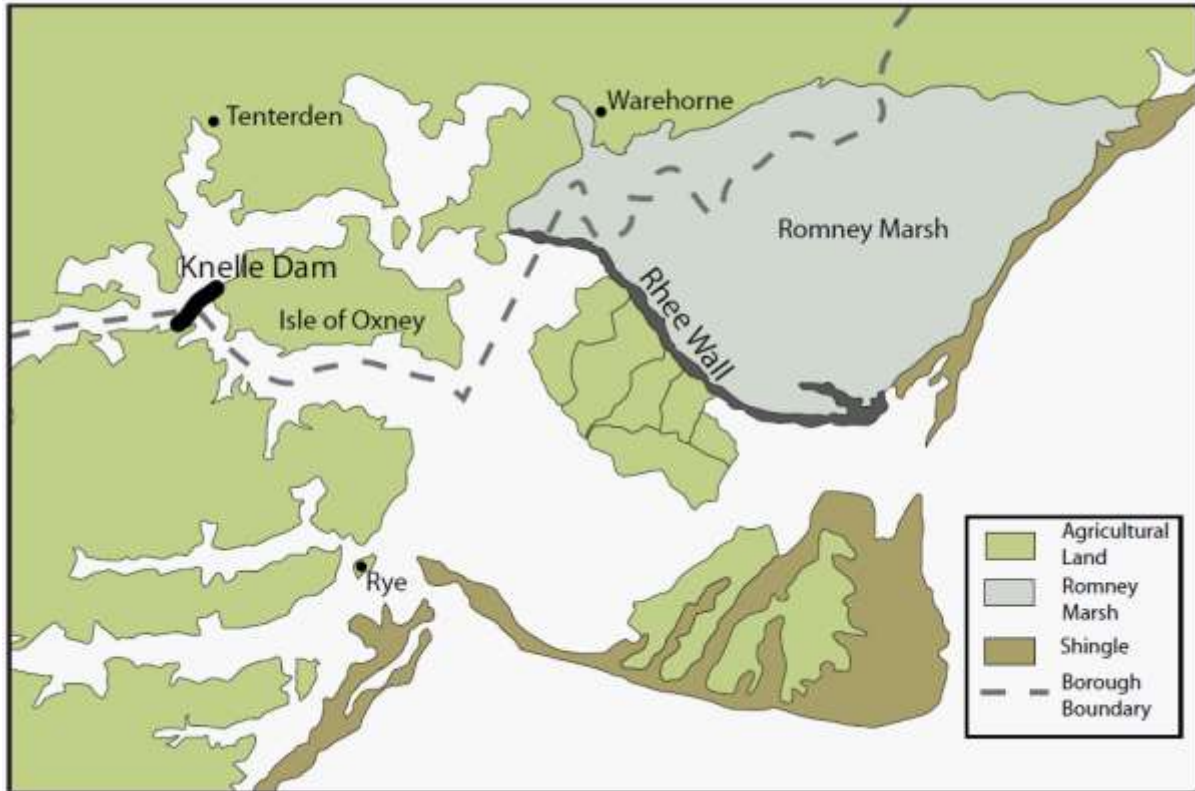


Figure 20: The Rhee Wall and Knelle Dam are notable assets in the south of Ashford Borough. This map shows these in relation to the former coastline of Romney Marsh Area.

Theme 7: Invasion and Defence Heritage Assets

Assessment of Significance

OUTSTANDING/ CONSIDERABLE

10.1.6 This theme contains heritage assets that are good and representative examples of important types of monuments and, in the case of the Royal Military Canal and the Mark IV World War I tank, assets which are rare and of key national and international significance.

10.1.7 It is the southern part of the borough that offers heritage assets of outstanding aesthetic significance, largely a result of its important location in relation to the country's antagonistic relationship with its closed

neighbours, France. The Napoleonic defences, including the Royal Military Canal and the Appledore Watchtower, combine with the open flat land of the Romney Marsh to create a heritage landscape of national significance. Accessibility of the RMC to leisure and tourist uses is now a priority.

10.1.8 Outstanding from a historical and evidential perspective are the borough's range and quality of heritage assets from both World Wars. Of particular need in the coming years is to support the project to trace the PLUTO line through the borough and to highlight its role in the allied victory in Europe in World War II; and to promote the sensitive restoration of the Mark IV tank in Ashford given both its global rarity and its importance in symbolising Ashford town's efforts in World War I.

10.1.9 Much former Ministry of Defence land has been incorporated into new development, but effective recognition of its heritage role has ensured design and layout echoes the land's former role, and that particularly important heritage features are well integrated into the overall design, as has been seen at Repton Park (former Templer Barracks).

10.1.10 As will be explored further in the recommendations section of this Strategy, there is concern that aspects of this theme need to be capitalised on now, perhaps in the form of an oral history project, whilst those who can contribute much to the communal value of this aspect of the borough's heritage are still able to do so. The heritage assets associated with invasion and defence are scattered across the borough and would also benefit from information being more publicly available, including in the form of display boards and waymarking, and have potential to form the basis for walking trail initiatives.



Figure 21: Entrance to the South Eastern Railway Works (circa 1910)

The Railway

11. THE RAILWAY

11.1.1 The arrival of the railway to Ashford in 1842 not only enabled the industry of the town to grow but also led to significant development of the town centre. Whilst the line first opened in 1846 linked Ashford only to Canterbury, by 1884 Ashford was linked to Hastings via Romney Marsh as well as to Maidstone. At this point Ashford stood pivotally at the centre of five railway lines. The importance of the railway for the local economy was considerable and strengthened by the creation, in 1847, of the Ashford locomotive works built by the South Eastern Railway. In addition to these works the railway company built a small new town for its workers with houses, shops, schools, pubs and bathhouse. Originally proposed to be known as Alfred Town it later became known simply as New Town, a name that continues today. By 1850 over 130 houses had been built for staff and by 1851 the works employed about 600 people, increasing to about 1,300 by 1882. In the twentieth century 142 extra houses were added, responding to the increasing importance of Ashford as a focal hub of the south eastern railway system.

11.1.2 Following the amalgamation of the London, Brighton and South Coast Railway and the London and South Western Railway to form the Southern Railway in 1923, locomotive, carriage design, and construction were transferred from Ashford to updated facilities at Eastleigh Works in Hampshire. Nevertheless, Ashford continued to operate both building and servicing works on locomotives and wagons until well after the nationalisation of the railways to form British Railways in 1948. The locomotive workshops eventually closed on 16 June 1962, hot on the heels of the closure of the Kent and East Sussex Railway line which operated in the west of the borough, but the wagon works continuing for a further two decades.

11.1.3 The influence of the railway on the heritage, economy and environment of the town and the borough remains strong today. International Eurostar services stop in the town, as does the first national high speed route, HS1, making Ashford less than 2 hours from Paris and half an hour from the centre of London. The town's location at the centre of an excellent road and rail network means that Ashford continues to be amongst the best connected towns in the country.

11.1.4 Ashford town was not the only place in the borough to have historically benefitted from the railway. The Kent and Sussex railway served a great

part of the borough, providing a service through Biddenden, High Halden, St Michael's, Tenterden and Rolvenden. This line came about following the passing of the Light Railways Act in 1896 when, acknowledging their lack of a rail link, citizens of Tenterden proposed a connection through the Rother Valley to Robertsbridge. The original Tenterden station was some 3.2km from the town, and was later renamed Rolvenden. The line ran at a deficit for many years and was closed to passengers in 1954 and to freight in 1960. However, it was reopened as a heritage steam line in 1974 between Tenterden and Rolvenden; and now covers 18.5km through the Rother Valley.

Description of the principal heritage assets

- **Appledore Railway Station, Appledore** (grade II)

This station was built in 1851 by William Tress for the South Eastern Railway. It comprises of red brick with white gault brick and a slate roof. The building remains little changed from its original design.

- **Carriage Shop, Newtown Ashford** (grade II)

A carriage shop was built between 1858 and 1871. The basic construction consisted of two parallel red brick ranges, with steel sheet roofs. The original block held 21 bays. In 1898 the building was extended to become a sawmill, and a water tower was added. It was the only workshop of its kind that held automatic fire extinguishing apparatus. The building is the only one in near original use, being used by Balfour Beatty since 1998.

- **Engine Shed, Newtown Ashford** (grade II)

This railway engine shed was built around 1860 for the Southeastern Railway. It was constructed of red and yellow brick with a corrugated asbestos sheet roof. The original block comprised 14 bays by 3 bays. The shed was extended in to the west in 1909-12. The engine shed at the 2 other major surviving works do not exist, so this example at Ashford is of high importance. The original 1847 shed was demolished in the 1930s, leaving this shed of increased importance.

- **Former Acetylene Store, Newtown Ashford** (grade II)

This historic building was part of the locomotive workshops. It stored the chemical acetylene, which was used in the lights of train carriages. It was constructed in the 1800s out of red brick and holds a barrel-vaulted roof. It an excellent example of a

Victorian railway workshop and evidence of some of the processes involved in running trains.

- **Hamstreet and Orlestone Railway Station, Hamstreet (grade II)**

This station opened in 1851, and was designed by William Tress for the Ashford to Tonbridge line. It features a slate roof and red brick walls and pilasters, and is built in an Italianate style. Originally the first floor was designated for the stationmaster's flat, whilst downstairs featured a clerk's room, booking office and toilets. The interior layout was modified later. The design of the station is a mirror image of Winchelsea Railway Station.

- **Kent and East Sussex Railway**

Tenterden station was built in 1903 and the line was extended to Headcorn in 1905. It was part of the Kent and East Sussex light railway which featured tightly curved track with steep gradients, and limited the weight of cargo that could be transported. It was used for both the transportation of passengers, and agricultural products such as cattle. The line closed to passengers in 1954, and was reopened in 1974 by volunteers as an attraction, running steam and heritage diesel trains.

- **Lodge and Clocktower, Newtown Ashford**

In 1846 the Southeastern Railway company was given £500,000 to buy 185 acres and to build a locomotive works in Ashford. The locomotive works consisted of 25 bays of workshops, and a gatehouse and a lodge. These later two buildings formed the entrance to the railways works on the north side of Newtown Road. In 1897 the Lodge was given a clock tower, enabling a more efficient and prompt workforce to be had. In 1907 a new free-standing clocktower was built, that stands today.

- **Locomotive Workshops, Newtown Ashford (grade II)**

This workshop was used to construct rail engines. It was built in 1847 for the South Eastern Railway. The building is red brick with a steel sheet roof. The development of the works in 1909 introduced a different detail in the new eastern brick elevation. The building is claimed to be the only example of an erecting shop that combined long roads with short traverse pits. This building ceased original use in 1962 but continued to work on vehicles until 1980. It is the most complete surviving example of an early locomotive works.

- **Newtown Primary School, Ashford (grade II)**

The former primary school, St Theresa's, was opened in 1852. It was designed by the architect William Tress. The exterior features stone rubble with an ashlar dressing and inside crown post roofs. Some of the original windows exists which feature iron lattice tracery. This school was built as part of the South Eastern railway development, which had to provide a community for its workers. Newtown was used as a model for later railway developments.

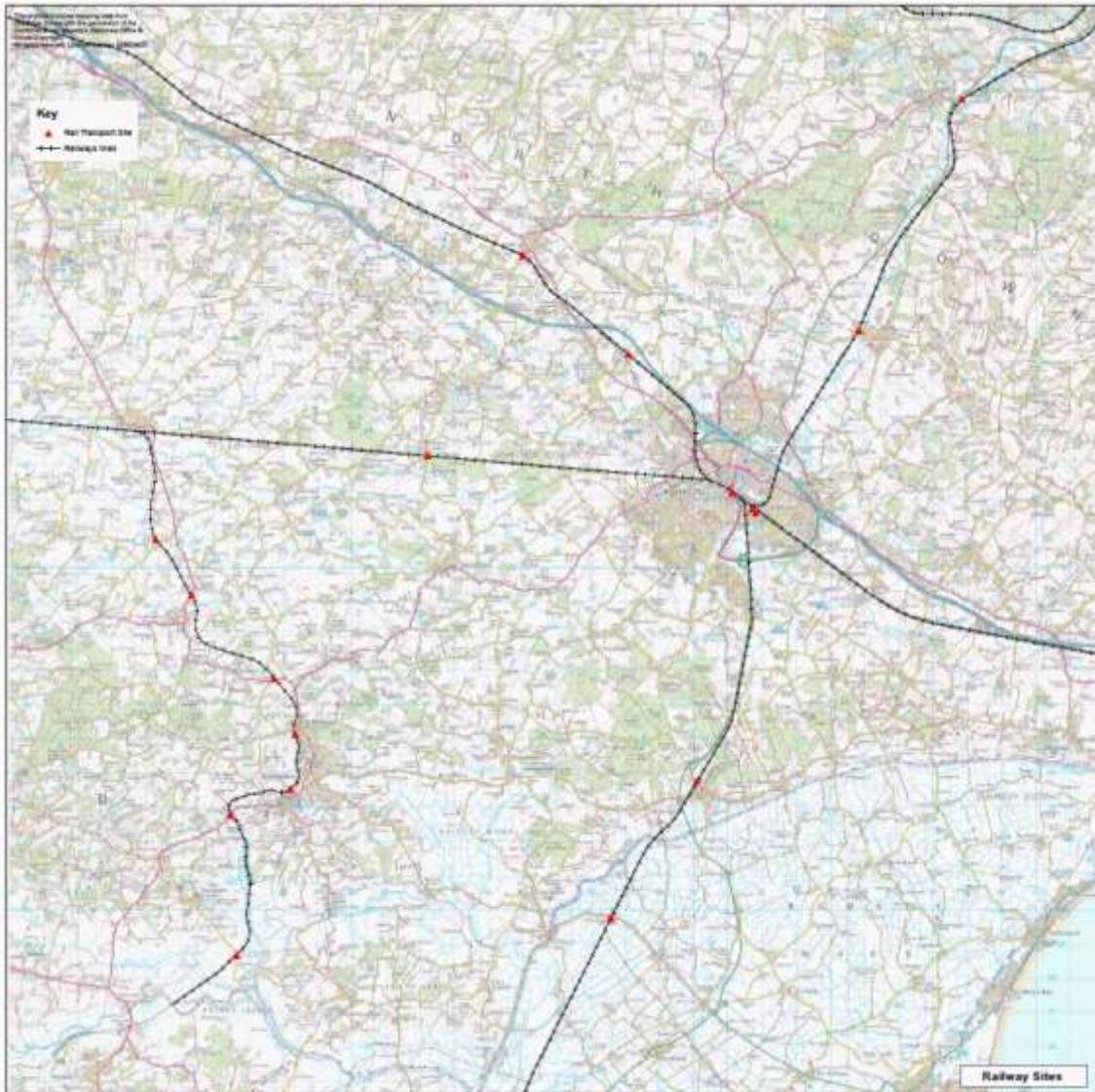


Figure 22: The borough's railway lines

- **Paint stores and Electroplating Shop, Newtown Ashford (grade II)**

This is another grade II listed building, built in 1865 by Southeastern Railway. It is a distinctive building made of yellow painted brick, with a Welsh slate roof. It is a single story building and was divided into two areas. On the ordinance survey map of 1871 it is listed as a paint store, but was late used as an electroplating shop. The bricks were intended to be semi-fire proof given that it was used to store flammable

materials. It is the only surviving building on site with this feature. Because of this special design feature it has been listed.

- **Pluckley Station, Pluckley**

Although once very numerous, very few wooden stations now remain in their original state. A series of stations built in the Kentish weatherboard tradition and designed by Lewis Cubitt could formerly be found along the line between Paddock Wood, Tonbridge and Ashford. Of these, Pluckley is the only one retaining much of its original form.

Theme 8: Railway Heritage Assets

Assessment of Significance

CONSIDERABLE

11.1.5 The heritage assets associated with the railway in this borough are excellent and representative examples of the overall history of railways in this country. Moreover, the development in recent years of HS1, Eurostar and the Hitachi railway works at Ashford reflects the continued importance of this theme to the history and fabric of the borough. Much of the railway heritage is concentrated in the town of Ashford, where there is concern that physical evidence and places to visit associated with this important aspect of the borough's history are dwindling, threatening this important aspect of the borough's heritage offer.

11.1.6 In much the same ways as industrial heritage assets have considerable communal value to Ashford town in particular, so to do the (often connected) railway assets. Indeed, the whole of South Ashford's reason for existence results from the railway and associated industries. Given that Ashford town was a national centre for train production, it is surprising to both residents and visitors alike that so little obvious evidence remains of this heritage. There is often bemusement as to why a great proportion of the national railway collection in York is 'made in Ashford', yet the town has not yet found suitable space to display and interpret this integral piece of the local story despite commitment and enthusiasm among local people.

11.1.7 While this category is rather Ashford town-centric, there are other railways heritage features elsewhere in the borough but on a more limited scale and often of low significance. Of greater significance is the Kent and East

Sussex Railway that has successfully found a new lease of life serving tourists along a line developed through civic endowment.

11.1.8 As will be explored further in the recommendations section of this Strategy, alongside the importance of delivering on the AIMREC centre at Newtown it is considered that there are further complementary opportunities to showcase the borough's railway heritage, including through information and displays at station waiting rooms for example.

Ashford's New Town: the railway town

The South Eastern Railway started the first train service between London and Ashford on 1st December 1842, which extended to Folkestone a year later. Ashford became a junction in 1846 when the line to Canterbury opened, followed by a line to Hastings in 1851. The London, Chatham & Dover Railway extended its Swanley to Maidstone line to Ashford in 1884, but the terminus of this line was situated to the west of the town, and only joined with the SER lines in 1892.

The Southern Railway Ashford Works was established in 1847. It continued steam locomotive construction until 1936, and repair work continued there until 1962. Wagon construction continued in the works until 1982.

Alfred Town - the "New Town"

The Ashford Works are located to the south of the line to Folkestone and, to support it, in the summer of 1847 a cluster of seventy-two labourers cottages arose. As production increased on the Works site, so too did development at the adjacent railway village first known as "Alfred Town" but later referred to as "Ashford New Town". By the autumn of 1850, it had been extended by another sixty houses and accommodated 3,000 people. The estate was laid out in a modulated triangular shape around the central Newtown Green. At the top of the green, as today, were situated a Public House and a Post Office. Between these is the communal baths building, latterly converted to flats but retaining its monumental façade. Behind the housing, to the east alongside the Ashford-Hastings branch, the SER provided educational facilities in the form of a school and Mechanics Institute.

Following the 1912 expansion of the Ashford Works, an additional 126 six-roomed dwellings were built bringing the total number of housing at "New Town" to 272.

The Works

The South Eastern Railway transferred its locomotive depot to Ashford in 1847. “The Coffee Pot”, the first locomotive to be constructed at the Ashford works, was designed for the company directors and chief engineers to be propelled throughout the network for periodic line inspection.

In the period under Chief Engineer James I'Anson Cudworth, who had been responsible for the selection of much of the equipment at the new Works, Ashford was considered a centre of engineering expertise and innovation. Cudworth was a locomotive designer who believed in experimentation – for example, he was the first to apply the ‘uniflow’ system of steam distribution to a railway engine followed, at Ashford, by the ‘mid-feather’ system. In this, a firebox divided by a longitudinal water partition (‘mid-feather’), with sloping grates, enabled the use of coal fuel without smoke emissions. This design remained standard for the South Eastern Company’s trains until the end of the nineteenth century.

By 1909 the Ashford Works had responsibility for the repair and maintenance of 497 engines on the South Eastern network. The closure of the “Chatham and Dover” line’s depot, with its 257 locomotives ensured a substantial increase in Ashford’s working capacity. The Boiler shop was extended eastwards, absorbing pits used for engine repairs; and a new Erecting shop was constructed. The old Erecting shop was also extended, to provide space for the Machine shop and the Fitting shop; and a new Tender shop was built. The existing Pattern shop became an enlarged Smith shop; the Wagon Sheeting shop – adjacent to the Iron Foundry – was occupied by the Pattern maker; and the Paint shop was significantly expanded.

The substantial shed buildings on the Works site provide a lasting reminder of the significance of the railway works to the heritage of the town, and benefit from statutory protection as a Grade II listed ensemble. Their relationship with the planned “New Town”, which retains its historic street layout and form, as well as with the Queens Road Conservation Area to the north of Ashford Town Centre, is important in understanding the spatial development of Ashford as an urban centre and innovator.

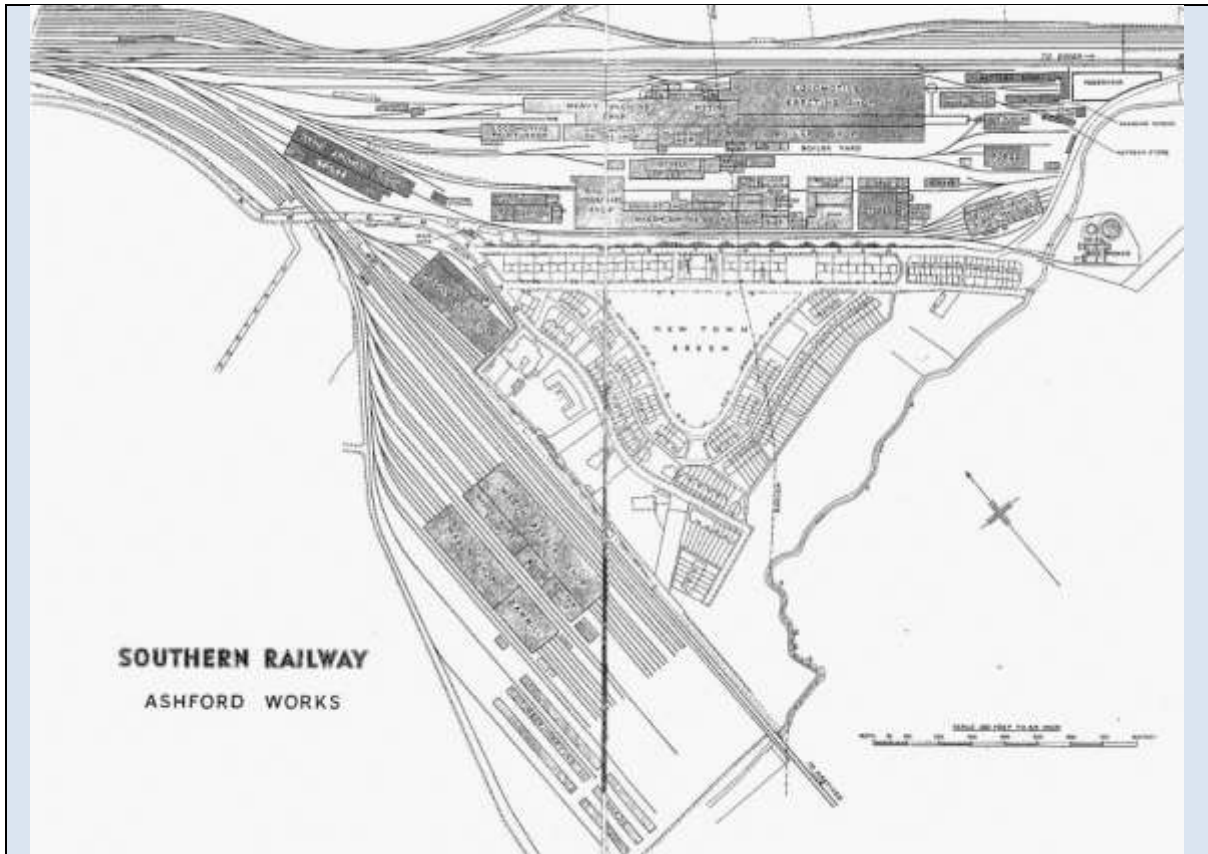


Figure 23: The Ashford Railway Works at Newtown in the early twentieth century



Figure 24: Charing Archbishop's Palace Great Hall, December 2016. The North-East corner has collapsed and the north wall leans out (Charing History Society).

Vulnerabilities and Opportunities

12. VULNERABILITIES AND OPPORTUNITIES

12.1 Vulnerabilities

12.1.1 Heritage assets and their settings are vulnerable to change in a wide variety of ways. They can be affected physically through specific actions, such as damage through agricultural activities including ploughing or construction and development, or passively over time through environmental factors or neglect.

12.1.2 This section considers the vulnerability of the Borough's heritage assets to general activities and processes (Generic Vulnerabilities) and to specific proposals (Specific Vulnerabilities), principally through a number of Case Studies. These examine specific proposals in more detail, in order to illustrate the issues that can arise and principles that should be adopted to ensure that the heritage assets are treated appropriately and that opportunities are taken to make best use of them.

12.2 Generic Vulnerabilities

12.2.1 Heritage assets are vulnerable to processes including:

- Natural processes such as climate change
- Rural activities such as ploughing, changes in farming regimes and leisure use of the countryside
- Installation and maintenance of infrastructure such as utilities, power generation, roads and railways
- Development of sites for housing, commercial and industrial uses, extraction of minerals, flood defence works etc.
- Change through alteration or economic decline and neglect
- Criminal actions such as arson, theft, vandalism and anti-social behaviour.
- Lack of awareness (this is particularly the case with the borough's prehistoric heritage, for example)

12.3 Specific Vulnerabilities

- 12.3.1 Ashford Borough has seen significant levels of development in recent decades given its strategic location between London and the continent of Europe. In the 1950s it served as a housing overspill settlement for London and in 2003 was designated as a regional growth centre. (Ashford is no longer designated as such or required to play such a strategic role, and so development quanta as set out in the Ashford Local Plan 2030 are commensurate with this).
- 12.3.2 The responsibility of fulfilling such a national role has however inevitably resulted in high levels of development and as a consequence greater pressures on the historic fabric of the Borough. Valuable lessons can be learnt from such experiences however, a case in point being the extensive historical and archaeological programme of works carried out as part of the construction of the Channel Tunnel Rail Link.

Channel Tunnel Rail Link (CTRL)

The construction of the Channel Tunnel Rail Link (CTRL), now known as High Speed 1, provided a unique opportunity to investigate thousands of years of change and development across the landscape. The archaeological programme of works associated with the CTRL was probably the largest ever undertaken in the UK and investigations in advance of and during construction revealed an impressively rich array. This generated a vast archive of archaeological data, although much of this is still not written up. Key discoveries have included the first Neolithic long-house to be found in Kent, a Romano-British villa and two Anglo-Saxon cemeteries.

Within the borough, groundworks at Ashford International revealed two definite areas of occupation, both dating from the later Iron Age and 'Belgic' periods. One of the more interesting projects was the recording and relocation of the Georgian Model Farm, known as Yonseas. Yonseas Farm consisted of a large house, byres and cowsheds, an oast house, a tollhouse and associated gardens. The farm was probably constructed as a single phase in the 1830s. Immediately to the south of this complex a walled garden was bounded by a pond which occupied part of an earlier ditch or possible 'moat'. A fairly substantial depression headed westwards along the

south side of the garden and appeared to have been a continuation of this feature. The existence of an earlier moated site, predating the 19th century farm, was therefore thought possible. Yonsea Farm was disassembled and transported to the Woodchurch Rare Breeds Centre, where part of it was reassembled and can be visited today.

12.3.3 The location of this borough contributed to it playing a significant role in both the world wars of the 20th century. Such history is reflected in its built heritage today. However there is also a strong but diminishing and vulnerable oral history held by residents which should be gathered as a matter of priority in order to add to the wealth of this aspect of the borough's heritage. This will be a significant undertaking, but is invaluable both in interpreting and understanding to the fullest the intersecting layers of Ashford's story.

12.4 Opportunities

12.4.1 The Culture White Paper (March 2016)²⁰ cites the social value of culture, including the link between engagement with culture and higher education, and the beneficial impact that culture also has on health, effecting both physical and mental health in a positive manner, and the evidence that local cultural involvement also stimulates the cohesion of communities.²¹ With specific regard to heritage, it states:

*“Cultural heritage is fundamental to a nation’s identity and its people, underpinning education and research and offering long-term economic and social benefits. We should continue to be at the forefront of cultural protection at home and abroad”.*²²

12.4.2 Successful heritage-led regeneration, acting in partnership with community projects, provides opportunities to connect people with their urban and rural landscapes, with their heritage and with each other. In addition, the linking of heritage with the culture and arts sector can provide significant benefits together and be a strong catalyst to creating wealth and regeneration. This is also recognised in the NPPF²³ which requires local planning authorities to take account of

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of the place.

12.4.3 The rich historic environment of Ashford Borough offers considerable potential as a resource for enhancing the quality of life for its residents. Heritage Assets can act as a framework for regeneration, complementing and supporting the economic development of the borough, as well as help to produce higher quality and more sustainable forms of development. The

²⁰ *The Culture White Paper*, Department of Culture, Media and Sport (March 2016)

²¹ *The Culture White Paper*, Department of Culture, Media and Sport (March 2016) page 15

²² *The Culture White Paper*, Department of Culture, Media and Sport (March 2016) page 48

²³ NPPF, paragraph 126

historic environment can and does also play a key role in the tourism and cultural offering of the Borough.

Acting as a catalyst for economic and social regeneration

12.2.4 Successful regeneration is not just about improving the physical fabric of a place; it is about bringing about social cohesion, encouraging economic growth and restoring vibrancy to communities. Heritage-led regeneration adds value to development projects and can help to avoid a sense of a development scheme being artificial and seemingly dropped into a landscape. These can also have the advantage of accommodating large scale new housing without major intrusion into the existing infrastructure and the local community.

12.2.5 This is supported by research by a number of organisations including the British Property Federation²⁴ which demonstrate that heritage regeneration projects create financial value. In addition, research produced by Historic England²⁵ concludes that “Using the historic environment as an asset, and giving it a new life, has been one of the cornerstones of the economic and social revival of our towns”. The BPF research concludes whilst it must be accepted that these projects can require significant amounts of funding, it should also be remembered that the neglect of a heritage asset can cause the overall quality of an environment to fall, and discourage economic growth, having a negative impact upon the wider regeneration projects that might be taking place in an area.

12.2.6 Heritage-led regeneration also has a role to play in helping to reduce social exclusion in modern developments. Historic buildings come in all shapes and sizes. Just as they can break up the sometimes more monotonous shape of a modern development that can arise from 21st century building standards, so they can help to break up any potential monotony in social structures. Retaining older buildings such as terraced housing helps to conserve the character of the settlement. In addition, these houses are often less expensive than new build equivalents and so by conserving them a more diverse population is encouraged than if they were replaced.

12.2.7 Heritage-led regeneration is however about more than just re-using historic buildings. Other assets such as parks and gardens, waterways (such as the Royal Military Canal), the patterns of roads and lanes, historic features such

²⁴ *Heritage Works: The use of historic buildings in regeneration, A toolkit of good practice*, BPF (2013)

²⁵ English Heritage, *Heritage Works: The use of historic buildings in regeneration, A toolkit of good practice*, (Swindon, 2014), p. 4.

as walls, milestones and road signs and more ephemeral historic elements such as place, house, pub or building names . also have key roles in creating the historic fabric of a place Furthermore they have much potential for enhancing regeneration and developments by ensuring the creation of new places that are strongly rooted in their location and heritage, which in turn helps to prevent the emergence of bland, generic developments. When new urban extensions are being planned it is likely that heritage assets will be present and the opportunities such buildings or monuments provide should be welcomed in order to enable new developments to be linked visually or culturally to the historic framework of the town or wider borough.

12.2.10 Finally, retaining historic buildings and features can also assist older generations retain their own sense of place in an area thereby bringing the generations together. Where those features relate to people's former employment this also help to tell the story of an area which can be developed for educational groups to further embed new development within an older historic framework.

Creating attractive places

12.2.11 In both urban and rural contexts, the historic environment shapes a sense of place. It adds character and distinctiveness to towns, villages and rural landscapes including AONBs. Buildings, open spaces, historic features, and networks of roads, lanes and public rights of way are what ultimately define the character of settlements. It is therefore important that change is sensitive to this character, adding to and developing distinctiveness rather than diminishing it and creating uniformity or blandness. Although designated heritage assets and Conservation Areas will be central to this process, the historic environment can hold meanings and memories for a community that go beyond the architectural, archaeological or historical importance of designated assets.

12.2.12 Heritage assets can also act as a mechanism for bringing groups and communities together. The relationship between people and place is a complex psycho-social phenomenon, but sense of belonging is often intertwined with a sense of pride in place. The historic environment can act as a catalyst for engendering and stimulating local pride by strengthening and celebrating the self-image and uniqueness of communities. The heritage of a place provides a strong symbolic link that brings people together.

12.2.13 Heritage-led regeneration can of course take a number of forms. In its simplest form it involves bringing single historic buildings back into use or refurbishing a historic property that has suffered from neglect. More complex

programmes can involve refurbishing industrial complexes or industrial buildings, although aside from the railways works at Ashford this borough is not home to such large scale industrial heritage. However, it does enjoy many individual and groups of heritage assets which have been and have the potential to be converted to new uses.

St Mary's Church, Ashford

St Mary's Church (mentioned in the Domesday Book) is one of Ashford's best loved landmarks. In 2012 it underwent a £1.8million expansion and renovation in response to the communities need for a shared space and arts provision. To accommodate larger audiences and improve on its arts venue status, the church's fixed pews were removed, a larger and higher dais was installed as well as state of the art lighting and audiovisual systems. The project also capitalized on a rare opportunity to reduce its carbon footprint. A Ground Source Heat Pump powers the church's new under floor heating, at relatively low temperatures using an Econic System (new to the UK but not in Europe) and a rainwater harvesting tank has been installed.

The remodelling and new additions to the St. Mary's have been well received. This project has ensured that the space is used to its full potential as a community arts venue whilst remaining faithful to the fact that the building is, above all, a heritage asset and a place of worship.

Today it is one of the town's most popular arts venues and has been recognised with a number of Awards, including East Kent People's Award 2013, (Culture Award) and the People's Choice Award 2012 (Ashford Building Design Awards). It was also a finalist in the LABC SE Regional Building Excellence Award and was shortlisted for 2012 AJ Retrofit Awards.

Tourism potential

12.2.14 Heritage and tourism enjoy well-established synergies. Like other areas across the country, the Ashford tourism landscape, particularly in terms of partnerships and consumer behaviour and expectations, is changing. Recent years have seen an increase in domestic tourism, particularly in this borough in terms of Staycations, Down from London visitors, and visiting

friends and relatives trips as well as an increase in overseas visitors²⁶. The demand for real time information, with social media at the forefront, is also changing the way the Council and its partners work.

12.2.15 The value of tourism to Ashford Borough should not be underestimated. It accounts for approximately 4,000 jobs in the borough, representing an estimated 7.3% of all employment²⁷. According to research carried out for Tourism South East, tourism numbers in Ashford increased by 7% between 2011 and 2013.²⁸ This report also revealed Ashford as the third most visited location in Kent for overseas staying visitors. These numbers create a significant opportunity for enhancing awareness and use of the borough's heritage assets and their contribution to the local economy. Tourism was estimated as being worth £250 million to the borough and £3.2 billion to the Kent economy in 2015.²⁹

12.2.16 The particularly wide ranging nature and distribution of Ashford's heritage assets, means there are many opportunities for using heritage to expand its tourism offer. In particular, the numerous assets of considerable interest and significance to be found across each of the themes of this Strategy present opportunities for the development of walking/driving trails linking such attractive assets, along the lines of the recent initiative of the Council linking the vineyards and wine industry of the borough³⁰, and the Tenterden and Ashford town heritage trails for the two principle settlements. This opportunity is explored in more detail in Section 5 Objective 3 of this Strategy.

²⁶ *Ashford Tourism Review, 2013-2014*, Ashford Borough Council

²⁷ 2011 Cambridge Model Economic Impact Study, cited in *Ashford Tourism Review*, as above.

²⁸ 2011 Cambridge Model Economic Impact Study, cited in *Ashford Tourism Review*, as above.

²⁹ Ashford Borough Council, 'Tourism research reveals Ashford's thriving visitor economy - 4th Aug', at <http://www.ashford.gov.uk/news/tourism-research-reveals-ashfords-thriving-visitor-economy-4th-aug-1145/>

³⁰ Tenterden Vineyard Trail: A guide to the Tenterden area's must-visit vineyards and breweries.

The Ashford Heritage Trail

The Ashford Heritage Trail 2016 is a printed & online leaflet guiding users around Ashford town centre and pointing out items of historical interest. It presents the town as it is today - an area with long roots, continuous progress, and a bright future.

The Heritage Trail provides an informative one hour walk around central Ashford, exploring its heritage and its many fascinating previous residents, places and events. It aims to be an attractive guide for visitors, a helpful tool for local schools, and a point of interest for local residents and the town community.

The trail was officially launched on 5th June 2016 at the Ashford Farmers' Market, alongside guided tours and associated food and entertainment.

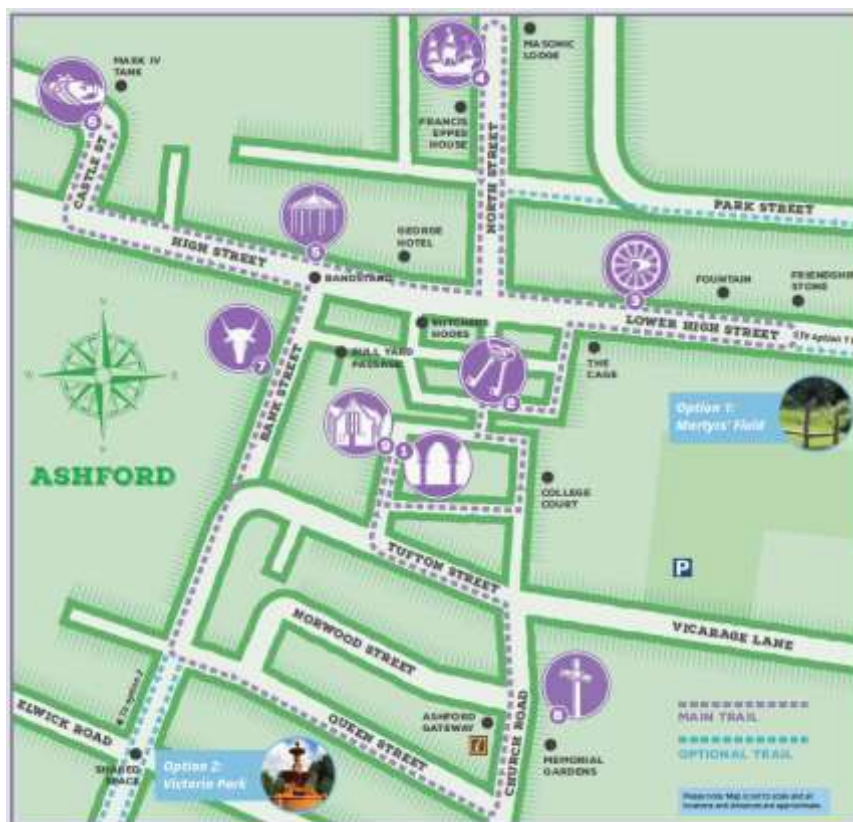


Figure 25: Map showing the route of the Ashford Heritage Trail through the town



Figure 26: The Hubert Fountain, Victoria Park, Ashford. Heritage is to be an integral part of future plans for this public open space.

Taking the Heritage Strategy Forward

13. TAKING THE HERITAGE STRATEGY FORWARD

13.1 Introduction

13.1.1 It follows that to realise the considerable benefits that the historic environment can bring to the Borough, it is important to look after its heritage assets and take opportunities to enhance them wherever possible. Heritage assets are a vulnerable and irreplaceable resource which can be easily lost to present and future generations who live and work here.

13.1.2 The Government recognises the role that the historic environment can play in delivering the sustainable development agenda. Positive change and sustainable growth, including the improvement of the built, natural and historic environment promoted in paragraph 9 of the NPPF underpins the emerging Local Plan 2030. Such change should be informed by a sound understanding of what is significant about the Borough's heritage assets and a desire to conserve that significance in an appropriate and beneficial way.

13.2 Relationship with other Borough Council Strategies

13.2.1 The protection and enhancement of the heritage assets of the Borough are enshrined in the Vision of the Ashford Local Plan 2030. In particular:

3. *A regenerated Ashford Town Centre will be delivered that will significantly enhance its leisure, cultural and residential offer whilst providing retail space that allows it to support the expanded population and compete locally with other centres. **The centre's heritage offer will be conserved and enhanced** and provide the context around which to develop new opportunities within distinctive character areas enabling a newly focused Town Centre to thrive.*
4. *Tenterden will continue to serve the south western part of the Borough as a principal rural service centre by retaining its shops and services, conserving and enhancing its historic centre and accommodating development of a suitable scale, design and character within, and to the north of the town.*
5. *The other rural service centres of Charing, Hamstreet and Wye will be maintained through retaining shops and services, **conserving and***

enhancing their historic centres, whilst delivering new development of a scale appropriate to the individual characteristics of the settlement, and the delivery of limited development. Smaller settlements will also provide smaller scale new development, to help sustain local communities, whilst conserving and enhancing historic centres and heritage assets.

6. The identity, attractiveness and vibrancy of the Borough's rural area, in the form of its range of attractive settlements, **wealth of heritage assets** and its expansive countryside, including the Kent Downs AONB to the north and the High Weald AONB to the south, will be protected and enhanced.

13.2.2 Policy SP1 (b) of the Local Plan 2030 also refers

Policy SP1 Strategic Objectives

To deliver the Vision, a number of strategic objectives have been identified. They form the basis of this Local Plan's policy framework, as well as providing the core principles that planning applications are expected to adhere to.

[..]

(b) to protect and enhance the Borough's historic and natural environment including its built heritage and biodiversity;

13.2.3 The significance of the built heritage of the borough is also recognised in the Ashford Corporate Plan -

PRIORITY 4: Attractive Ashford – Environment, Countryside, Tourism & Heritage

OUR ASPIRATION: To achieve an environment that creates higher standards of public space design, alongside improved standards of presentation of key green spaces. To safeguard and conserve our local heritage and areas of outstanding landscape quality to ensure the very best attractive environment with thriving and vibrant town centres

13.2.4 Finally, the Ashford Tourism Review 2013/2014 and associated Tourism Action Plan 2015 -2019 also supports the important role that heritage assets can and should continue to play within the borough's tourism offer. Projects promoted by this Review which have fed into the development of the objectives of this Strategy include the development of an Ashford Town Centre heritage trail (now close to completion at the time of writing, see 4.2.16 above), enhancing signage as part of improving the overall welcome to the borough and bringing forward themed trails (including wine industry) and walking and cycling links to enhance connectivity between attractions. Attention should be paid to the guidance issued by the Kent Downs and High

Weald Management Plans to ensure sustainable and appropriate tourist development within these areas.

13.2.5 Such a commitment to sustaining and enhancing the heritage assets of the Borough is carried forward into and strengthened by the evidence base set out in this Heritage Strategy.

13.2.6 Four Objectives arise from the analysis set out in the previous sections in order to deliver the positive strategy for the conservation and enjoyment of the historic environment of Ashford Borough as required by the NPPF. These are as follows:

13.3 Heritage Strategy Objectives

- 1. Ashford Borough's heritage assets will be sustained and enhanced so as to best meet the needs of the present without compromising the ability of future generations to appreciate their significance.**
- 2. Ashford Borough's historic environment and its heritage assets will play a proactive role in enabling and informing regeneration activities to secure better outcomes from sustainable growth.**
- 3. The tourism and visitor potential and economic benefits of the Borough's historic environment and heritage assets will be increasingly recognised.**
- 4. Public understanding of, engagement with, access to and enjoyment of Ashford Borough's historic environment will be increased.**

13.4 Objective One

Sustaining and enhancing the Borough's heritage assets so as to best meet the needs of the present without comprising the ability of future generations to appreciate their significance.

13.4.1 The Heritage Strategy has highlighted the need to sustain the significance of the wide-ranging and numerous heritage assets of Ashford Borough and when opportunities arise, to enhance that significance.

13.4.2 With regard to Ashford town in the first instance, the redevelopment of Ashford town centre brings opportunities and challenges to conserve and enhance the important heritage assets that are present there (this aim is

also contained within the Vision of the Local Plan 2030). The Ashford Town Centre heritage trail leaflet is an excellent start in this regard.

- 13.4.3 Other proposals coming forward to support this objective include the regeneration of Victoria Park and Watercress Fields, Ashford's largest and most central strategic urban park, situated on the edge of the expanding Town Centre. This is a much valued open space and 'green lung' for local residents. A masterplan has been developed, a first stage Heritage Lottery Fund bid submitted, and a strong committed community steering group established. Heritage is at the heart of much of the masterplan particularly the conservation and refurbishment of large and exuberant Hubert Fountain.
- 13.4.4 Another significant regeneration opportunity currently being advanced focuses on the Borough's railway heritage. A model railway museum (AIMREC) is proposed on a derelict former railway site in the town, adjacent to existing railway land. This proposal encourages awareness, education and enjoyment of the railway heritage in Ashford and will provide a visitor attraction for the town and engage visitors in the history of the railways here.
- 13.4.5 As well as such larger scale initiatives in the town centre, this Strategy has identified the importance of ensuring that the historic sense of place of the borough's settlements and landscapes, and the widely dispersed nature of its heritage assets is maintained and enhanced when proposals for change are considered. In this regard, particular attention should be given to improving key gateways into and transport corridors through the borough and ensuring that wherever possible heritage assets in these areas are made best use of to present a positive sense of place and are waymarked and acknowledged to improve awareness. Furthermore, as the borough will see continued levels of development over the lifetime of the emerging Local Plan the chances of new, potentially significant finds should be anticipated and a context for such an occurrence put into place.
- 13.4.6 Finally, particular priority should be given to addressing the condition and future of the seven heritage assets in the borough currently on Historic England's "Heritage at Risk" register. Whilst the resolution of such situations is rarely straightforward or quick, any loss of assets of significance and threats to their fabric should be a last resort and proactive engagement with Historic England should be pursued in the first instance to prevent such threats to the heritage of the borough from intensifying.

Objective 1 Recommendations

- 1A The character and form of existing heritage assets should be used to help shape the character and form of new development. The historic environment should be considered and reflected in development master plans and in all development proposals coming forward which affect a heritage asset or its setting.**
- 1B The sustainable and beneficial reuse of heritage assets, conserving them in a manner appropriate to their significance, should be encouraged in new development and given appropriate weight in making planning decisions.**
- 1C Over the lifetime of the emerging Local Plan the chances of new, potentially significant finds should be anticipated and a context for such an occurrence put into place.**
- 1D There will be a commitment to engage relevant organisations and landowners to address the threats to the seven heritage assets in the borough currently on the “Heritage at Risk” Register.**

13.5 Objective Two

Enabling and informing regeneration activities to secure better outcomes from sustainable growth.

13.5.1 It follows that for regeneration and development to successfully take account of the historic environment, information about the presence of heritage assets and their significance needs to be accessible and readily understood by all parties involved. The Heritage strategy therefore includes a number of recommendations that seek to improve access to information and understanding of the borough’s heritage assets.

13.5.2 This Heritage Strategy has identified the lack of Conservation Area Appraisals for the majority of the borough’s Conservation Areas. Without such appraisals it is difficult for decision-makers to understand the special interest of each Conservation Area and hence its significance or to manage and monitor the condition of Conservation Areas and take informed decisions.

13.5.3 The Heritage Strategy therefore recommends a programme of appraisal and review of e the borough’s Conservation Areas to understand the special interest of the Areas. In addition it recommends considering the widening of Article 4 (2) directives and the development of fresh guidance and information to help sustain the significance of Conservation Areas.

13.5.4 Section 4 of the Heritage Strategy has described the opportunities available to the borough in using its heritage to positively shape its future and guide and act as a catalyst for economic and social regeneration. The role of heritage in creating a valued sense of place, the beneficial reuse of assets, how heritage-led regeneration adds value to new developments and helps to ensure that regeneration is more durable, socially inclusive and has a long lasting and positive effect on the places and communities that live in them is explained. Guidance is already available, in particular Historic England's checklist for successful regeneration³¹.

13.5.5 There are a number of good examples in the borough where heritage-led regeneration and re-use of historic buildings within development have been used to create a valued sense of place. However examples are not as plentiful or widely celebrated as would be hoped and suggested from the high numbers of assets that the borough possesses. A programme of information, showcasing best practice within the borough should therefore be investigated in the first instance.

13.5.6 The Kent Historic Environment Record should remain as the main repository and source of information concerning the borough's historic environment. However, many buildings or structures in the borough which do not currently meet national criteria for statutory listing have nevertheless significant local historical importance and may be worthy of protection and conservation in their own right. Local lists play an important role in celebrating such non-designated heritage that is particularly valued by communities (this is addressed under Objective 4).

Objective 2 Recommendations

- 2A A programme of Conservation Area appraisal is put in place to cover all the Borough's Conservation Areas.**
- 2B Consider widening the use of Article 4 (2) directives to sustain and enhance the historic character of the Borough's Conservation Areas where necessary.**
- 2C The development of guidance and information for applicants in order to help sustain the significance of Conservation Areas**
- 2C Proposals for new development should include an appropriate description of the significance of any heritage assets that may be affected including the contribution of their setting. The impact of the**

³¹ Historic England, *Regeneration and Historic Environment*, (2005)

development proposals on the significance of the heritage assets should be sufficiently assessed using appropriate expertise where necessary. Desk-based assessment, archaeological field evaluation and historic building assessment may be required as appropriate to the case.

- 2D Improved guidance for compiling and the required content of Heritage Statements should be developed and made available to planning applicants.**
- 2E Information on examples of good practice of heritage acting as a catalyst for high quality regeneration, and where the significance of the heritage asset has been respected and reflected in new development should be showcased.**

13.6 Objective Three

The tourism and visitor potential and economic benefits of the Borough's historic environment and heritage assets will be increasingly recognised.

- 13.6.1 The work on the Strategy has illustrated that there are many places across the borough, as well as stories to tell of the Borough's history, including links to events of national significance, that have considerable public interest potential. Continued emphasis should therefore be placed on the role heritage can play in increasing the tourism offer of Ashford Borough to both residents and visitors. With the nature of what people want from holidays and short breaks, including more diverse and learning experiences, changing, promotion of heritage assets alongside its undoubtedly attractive natural environment and cultural assets, has real potential to strengthen the attractiveness of the Borough, and to encourage more overnight and longer stay trips.
- 13.6.2 In particular, the evidence gathering of this Heritage Strategy has identified that heritage assets here, are largely individual structures, with low instances of groupings outside of the Ashford town railway assets and the historic streetscapes of most of the borough's rural settlements. It is therefore recommended that opportunities for further themed 'packages' and trails, with accompanying information leaflets and websites, such as the successful wine industry themed trail, be pursued. There is the opportunity to develop these in close association with those managing the borough's high quality natural landscapes, the Kent Downs and High Weald AONB management

units. In this way visitors can be encouraged to make more overnight stays in the Borough and contribute more to the local economy.

- 13.6.3 The Strategy has also identified opportunities for knowledge-based initiatives particularly those focused on the borough's prehistoric heritage. Given the number of nationally important barrows along the North Downs, for example, informative publication material should be pursued, to encourage education about the Borough's archaeological patrimony.
- 13.6.4 In addition, the engagement events for community, professional and amenity groups held as part of the production of this Strategy, identified a strong desire amongst local residents for a significant effort to highlight and promote tourism associated with the rich and wide ranging industrial and commercial history of the borough. It is considered that public understanding and awareness of this significant aspect of the borough's heritage is low and that there is considerable potential to improve this and to add significantly to the tourism offer from this grouping of heritage assets. The development of a new Chapel Down "Curious Brewery" and visitor centre in the heart of the town of Ashford, scheduled for 2018 is a good start in this regard, highlighting the legacy of brewing in that part of Ashford (e.g. Lion Brewery) and thereby providing continuity with the past.
- 13.6.5 Finally, key routes into and through the towns and rural settlements are important for presenting a historic sense of place to the Borough's visitors. As part of this objective, this Strategy therefore supports an increase in the number of welcome and brown tourism signage across the Borough as identified as actions to take forward in both the Ashford Tourism Review and Corporate Strategy.

Objective 3 Recommendations

- 3A The borough's wider heritage potential and heritage assets should be promoted as part of a broad and diverse offer to encourage more overnight stays in the borough.**
- 3B Existing heritage assets and sites should be assessed to identify opportunities for networking, promotion and investment in improved facilities and interpretation and in particular for the development of new trails and themed tourism initiatives.**
- 3C Opportunities should be progressed to develop access to key heritage sites and improve interpretation for visitors, particularly with regard to**

the prehistorical and the industrial and commercial heritage of the borough.

- 3D A programme of increased brown standardised tourism signs and welcome signage should be delivered across the borough as well as utilising opportunities (such as in railway station waiting rooms) for additional information and displays of local heritage.**

13.7 Objective Four

Increasing public understanding of, engagement with, access to and enjoyment of historic environment.

- 13.7.1 One of the best ways of raising appreciation of the historic environment, developing a sense of place for communities and help to sustain and realise the benefits of heritage assets is to engage with and involve local people in heritage activities. The Heritage Strategy has identified a number of areas where further study and survey would be a benefit, not only identifying and understanding the heritage assets and assisting in management of the historic environment but also in many cases as a means of engaging with the community. There are a wide range of activities in which local communities, interest and other groups and individuals can become involved with their heritage. This might be through survey, research, investigation, assessment and monitoring of the condition of assets or by helping with interpretation and management of the assets.
- 13.7.2 The process of preparing a local heritage list allows local people, in partnership with the Council, to identify local heritage that they would like recognised and protected. Such local lists once agreed by the local planning authority as having heritage significance, will merit consideration in planning matters, with the planning authority taking a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset itself. Ashford does not currently have a Local List and the council will therefore support local groups wishing to prepare local heritage lists.
- 13.7.3 To this end a SPD for Local List of Heritage Assets should be developed by the Council. In order to provide consistent advice for the voluntary sector and to ensure that assessments follow the same methodology, the SPD should be based on Historic England's Guiding Principles for Local Heritage Listing. Clear and robust criteria for selection of heritage assets for inclusion on the List should be set out, together with a requirement to provide for each asset a statement of significance, condition, vulnerability and potential opportunity for sustainable use.

13.7.4 The NPPF recognises within its core planning principles³² that planning should 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area' and that 'Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need'³³. The historic environment should be a keystone within such plans, providing the 'sense of place', identity and source of pride that local communities often cherish and helping to provide resilience and durability and reduced social exclusion.

13.7.5 Increasing use of new technologies and media provide considerable opportunities for improving access to information about the Borough's history and its heritage assets together with visitor information. Within the Borough there are for example an abundance of associations dedicated to preserving and providing tourist attractions, which focus around local heritage assets. The Borough of Ashford is also home to an array of small museums which are open to tourists. These include the Tenterden & District Museum, the Ashford Borough Museum, the Brook Agricultural Museum and the Smarden Heritage Centre. Such facilities which display a collection of pieces displaying the industrial history of these areas, as well as a wide selection of old maps and photographs, are largely run by volunteers. There are opportunities to co-ordinate all such facilities, to archive their resources online (see Case Study 4 below) and to enhance their publicity through the creation of an Ashford Heritage website. Consideration should also be given to increasing support for such important centres and repositories for local heritage in Council budgets.

Objective 4 Recommendations

4A A Local Heritage List SPD which will facilitate the preparation of Local Heritage Lists and the creation of a Local List of Heritage Assets should be prepared and adopted.

4B The Ashford Heritage Strategy should be available online on a dedicated and easily accessible website. This website should:

- **promote and explain Ashford's rich heritage;**
- **provide information on access to assets and visitor sites, local museums and visitor information;**
- **link to the on-line Historic Environment Record and other resources that can provide more detailed information on heritage assets;**

³² NPPF, paragraph 17

³³ NPPF, paragraph 183

- **provide guidance and advice to land/property owners, developers and others with an interest in management of the historic environment.**

4C Digital archiving and documenting relating to assets and finds will be supported and encouraged, in dialogue with local groups and relevant parties.

Case Study 4: The Kent Heritage Resource Centre at Smarden: A Community Initiative in the Heritage Sector

The Kent Heritage Resource Centre was formed in Smarden in 2015 under a partnership agreement between Smarden Local History Society and Kent Archaeological Society and is an example of how community groups can successfully provide important services on a voluntary basis to the heritage sector.

Under the agreement, the two organisations work together to provide practical help and guidance to local history societies, museums, schools and private individuals on archive management, preservation and digitisation.

The Centre was formed in answer to a problem faced by many heritage organisations and individuals, that of uncatalogued, and often unseen, collections with no back-up, which makes them vulnerable to accidental loss and inaccessible to people who might otherwise wish to study them.

To answer the problem, the Centre offers expert advice on archival techniques and provides options for users to carry out digitisation projects, with Resource Centre assistance where necessary. All Centre facilities are available at no cost to users, other than a nominal room hire fee for a full morning, afternoon or evening session (up to 1000 images can be captured in one session).



The facility is located at The Charter Hall, Smarden, and includes a state-of-the-art archival camera system capable of producing high-output, high-definition images of, for example, documents, bound volumes, artefacts, photographs, glass plate negatives, slides and maps up to A2 size, linked to the Community Chest indexing and cataloguing software, which has been developed as an affordable, searchable, accessions database tool for Heritage groups.

During the past year Community Chest software has been demonstrated to a number of Kent heritage groups. To date eight local history groups have purchased Community Chest whilst others have expressed their intention to do so. Data sharing will be a major benefit for users of the software. Heritage groups within Ashford Borough who have accessed the Resource Centre are the Appledore,

Charing, Biddenden, Hothfield, Pluckley, Wye and Smarden Local History Societies and Tenterden Museum.

The total number of archival images captured by users at the Centre in 15 months is about 25,000. Subjects include: Parish Registers (1632 onwards), Churchwarden Accounts (1536 onwards), Village Directories, Village scrapbooks, Parish Magazines, Manuscripts 18th c to 20th c. Photographs, Glass plate negatives, Newspaper cuttings, 18th c. Deeds, Covenants and water colour paintings.

The Centre operates as a not-for-profit voluntary organisation, established with the help of grant funding from Ashford Borough Council, Kent Archaeological Society, Kent County Council, and Smarden Local History Society.

There is significant scope for future work, pending support, for Borough-wide training sessions and to make the archival data now being digitised by heritage groups available online in a searchable format for the benefit of researchers, schools, family historians and the general public.



Figure 27: Open gates at Victoria Park, manufactured by J. U. Bugler & Co. Ltd. Ashford. The barriers to heritage development in the borough are unlocked.

Conclusions

14. CONCLUSIONS

14.1 What next?

14.1.1 The historic environment helps to create a much valued sense of place and provides a strong sense of identity and source of pride for the borough's communities, contributing significantly to the quality of life. This Strategy aims to promote an agenda of increased public understanding, access to and engagement with the borough's heritage, to increase enjoyment and appreciation of the past and support for its conservation and use. Informed, caring and engaged local communities, positively using the historic environment to shape the places in which they live, lies at the core of the Heritage Strategy and its future delivery.

14.1.2 This Heritage Strategy has described the rich history of Ashford Borough and its broad wealth of heritage assets. Ashford's attractive natural environment, including two AONBs and the highly successful Ashford Green Corridors initiative are widely acknowledged. However, the historic environment, equally one of the borough's most valuable assets, is less acknowledged and is one which can and should play an important role in its future development.

14.1.3 The Heritage Strategy provides a sound evidence base which can be used for future decision making in Ashford Borough, enhancing the role that the heritage of the communities across the borough can play in delivering a sustainable future. It is also a useful resource for the tourism and education sectors, providing a useful overview of the borough's heritage. However it should also be seen as a living document that can be regularly monitored, reviewed and updated in response to new findings, challenges and priorities.

14.2 Next steps, stakeholders and ownership of delivery

14.2.1 At a time of increasing pressure on local authority funding and resources creative solutions will be needed in order to take the Heritage Strategy forward. The Strategy has identified the important role that borough's communities and voluntary sector can and do play in helping to deliver many of the recommendations of the strategy. The role of the local authorities, heritage professionals and advisors, town and parish councils wherever possible should be one of acting as a focus, facilitating, coordinating and providing advice, information and support to the community and land owners to deliver the desired outcomes.

14.2.2 The need for a visible heritage champion was raised by community representatives during the production of the Draft Strategy, while the creation of a borough-wide historic environment forum could also help to take the Strategy forward. Options for such a Forum could include taking the lead in implementing and monitoring the Strategy. In addition it may be able to link into funding streams that the Borough Council is unable to and provide a wider sense of ownership of the Strategy. Any such forum should include key representatives from each of the sectors with an interest in the Strategy, including planning and development, land and property owners, the voluntary sector, those working in tourism and education alongside community representatives as well as the Borough's main heritage professionals and bodies.

14.3 Programming, monitoring and review

14.3.1 It should be acknowledged that the evidence base set out in this Heritage Strategy is inevitably only a snapshot of the borough's heritage. Such evidence will of course constantly evolve in light of new research and discoveries, and as new challenges and opportunities emerge. The Strategy should therefore be considered as a dynamic document that can be updated regularly.

14.3.2 Criteria should be developed which can be used to regularly monitor and measure the success of the Heritage Strategy. It is suggested, given the long lead in time for much of this work, that such monitoring takes place every 2 years. The monitoring indicators should be clearly set out in an Action Plan and should be readily quantifiable. Examples should include:

- the number of heritage assets that have been removed from the 'at risk' register
- the number of Conservation Area Appraisals completed and adopted
- the completion of a Local Heritage Lists SPD
- a review of visitor numbers at heritage attractions
- the numbers of heritage assets reused in regeneration projects
- the production of new tourism initiatives linked to heritage

14.4 Funding and resources

14.4.1 At a time of diminishing public sector funding and increased pressure on available resources, the role of the voluntary sector in delivering the Heritage Strategy cannot be understated. As stated above the Council's role should be that of facilitating and helping to co-ordinate the delivery of

the strategy or through use of its statutory functions ensuring that those proposing change take appropriate account of the historic environment in accordance with the Strategic Objectives of the Ashford local Plan 2030 and this Heritage Strategy. Consideration should be regularly given to financial support for heritage initiatives as part of the Council's budgeting decisions and from developer contributions forthcoming from the developer contributions in the borough over the plan period.

14.4.2 There are a number of additional sources of funding which could be considered for delivery of the Strategy's objectives:

The Heritage Lottery Fund

14.4.3 The Heritage Lottery Funds objectives of helping people to learn about their heritage, take an active role in and make decisions about heritage and to conserve the heritage for present and future generations to experience and enjoy align with many of the activities the strategy seeks to deliver. The HLF supports a number of grant programmes ranging from smaller grants of a few thousand to those in excess of a hundred thousand pounds.

Planning obligations and Community Infrastructure Levy

14.4.4 Planning obligations and gains, and funding made available through the Community Infrastructure Levy may help to achieve positive outcomes for the historic environment and the delivery of the Strategy's objectives.

Partnership working

14.4.5 Working in partnership to secure regeneration funding, assistance from heritage funding bodies and the private sector.

National government funding

14.4.6 The government has recently announced the creation of a new £30 million Cultural Protection Fund³⁴ and in addition has stated that they plan to increase the amount of investment eligible for Social Investment Tax Relief that an organisation can receive, in order to make opportunities for social investment in the cultural sectors more attractive.³⁵

³⁴ *The Culture White Paper*, Department of Culture, Media and Sport (2016) page 48

³⁵ *The Culture White Paper*, Department of Culture, Media and Sport (2016) page 52

Crowd funding

14.4.7 Crowdfunding as a source of funding cultural and heritage projects is promoted in the Culture White Paper (2016) produced by the Department of Culture, Media and Sport. It is the practice of funding a project or venture by raising money from a large number of people and, in the view of the government, has powerful potential for some parts of the cultural sectors³⁶. It is growing rapidly and is becoming part of the mainstream funding landscape for projects of all sizes. Donation-based crowdfunding grew the fastest among all alternative finance models in 2015, with a 507 per cent year-on-year growth rate and £12 million distributed.

³⁶ *The Culture White Paper*, Department of Culture, Media and Sport (2016) page 56

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APPENDIX 1

Scheduled Monuments

Royal Military Canal, Kent Ditch to Heron House, Folkestone	Appledore; Stone-cum-Ebony
Medieval undercroft, Bridge Street, Wye	Wye
Newenden Bridge	Newenden
St Mary's Church (remains of)	Little Chart
Romano-British building S of Burch's Rough	Aldington
Eastwell Church	Eastwell
Royal Military Canal, Heron House to Appledore Bridge	Appledore
Royal Military Canal, Appledore Bridge to Kenardington Bridge	Appledore
Royal Military Canal, Kenardington Bridge to Warehorne Bridge	Kenardington
Royal Military Canal, Warehorne Bridge to Ham Street Bridge	Orlestone
Royal Military Canal, Ham Street Bridge to Bilsington Bridge	Ruckinge
Royal Military Canal, Bilsington Bridge to Bonnington Bridge	Bilsington
Royal Military Canal, Bonnington Bridge to Gigger's Green Bridge	Aldington
Royal Military Canal, Gigger's Green Bridge to Honeypot Cottage	Aldington
Sherway Bridge	Smarden
Ruined chapel at Pett	Charing
Moated site and associated garden earthworks 460m south east of Boys Hall	Sevington

Bowl barrow in King's Wood, Wye	Godmersham
The medieval college of St Gregory and St Martin	Wye
The archbishop's palace	Charing
Hlaew in Juniper Wood	Wye
Tower keep castle at Chilham	Chilham
Aldington Knoll Roman barrow and later beacon	Aldington
Saucer Barrow in Warren Wood	Crundale
Bowl barrow 350m south-east of Egerton Church	Egerton
Bowl barrow 300m south-east of The Firs, Broad Downs	Wye
Bowl barrow, the southernmost of six in Eggringe Wood	Crundale
Julliberrie's Grave Long Barrow	Chilham
Castle Toll Saxon burgh and medieval fort	Newenden
Long Barrow SE of Jackets Field	Boughton Aluph
Medieval moated site and adjacent hythe, Lowden Farm	Rolvenden
Medieval moated site, Silver Wood, Pivington	Pluckley
Medieval moated site, Palstre Court	Wittersham
Medieval moated site, fishpond and paddock boundary, Coldbridge Farm, Egerton	Egerton
Medieval moated site, Court Lodge Farm	Brook
Medieval moated site, The Moat	Great Chart
Domestic chapel at Horne's Place	Appledore
Medieval moated site, Quarrington Manor	Mersham
Romano-British roadside settlement and World War II pillbox immediately east of Westhawk Farm	Kingsnorth
Dispersed medieval settlement remains at Chapel Wood	Charing
Bilsington Priory	Bilsington

Scheduled Monuments on the Historic England “At Risk Register” 2016

Site	Designation	Condition
No. 2 Palace Cottages and the remains of the gatehouse, Market Place, Charing	Listed Building grade I Scheduled Monument Conservation Area	Poor
Palace Farmhouse, Market Place, Charing, Ashford, Kent	Listed Building grade I Scheduled Monument Conservation Area	Poor
Remains of Archbishops Palace, Market Place, Charing	Scheduled Monument and Listed Buildings – 2 grade I; 1 grade II. Conservation Area	Very Bad
Ruins of Church of St Mary, Pluckley Road, Little Chart, Ashford,	Scheduled Monument and Listed Building grade II	Poor
Castle Toll Saxon burgh and medieval fort, Newenden, Ashford, Kent	Scheduled Monument	Extensive significant problems

APPENDIX 2

Registered Parks and Gardens

Chilham Castle	Chilham Park, Chilham	Grade II*
Godinton Park	Godinton	Grade II*
Godmersham Park	Godmersham	Grade II*
Great Maytham	Great Maytham Hall, Rolvenden	Grade II
Hatch Park	Brabourne	Grade II
Olantigh Towers	Olantigh Park, Wye	Grade II

APPENDIX 3

Conservation Areas

	Date of first designation
Aldington - Church	18.05.73
Aldington - Clap Hill	18.05.73
Appledore	08.01.71
Ashford - Lacton Green	11.04.91
Ashford - Queens Road	11.04.91
Ashford - Town Centre	12.12.69
Bethersden	25.01.74
Biddenden	17.10.69
Bilsington	24.08.73
Boughton Lees	19.02.87
Brabourne	13.04.73
Charing	26.09.69
Chilham	26.09.69
Egerton	08.01.76
Great Chart	13.04.73
Hamstreet	29.06.73
High Halden	29.03.74
Hothfield	19.02.87
Kennington and Ball Lane	11.04.91
Kingsnorth	03.07.75
Little Chart	20.07.73
Little Chart Forstal	20.07.73
Mersham	01.12.72
Newenden	24.09.71
Pluckley	20.07.73
Pluckley Station	19.02.87
Reading Street	14.07.77
Rolvenden	07.09.73
Rolvenden Layne	07.09.73
Shadoxhurst	02.11.73
Smallhythe	14.07.77
Smarden	08.01.71
Smeeth	01.12.72
St. Michaels, Tenterden	29.03.74
Stone-in-Oxney	06.08.71
Tenterden	23.01.70
Warehorne - The Green	29.06.73
Warehorne - The Leacon	29.06.73
Westwell	23.07.71
Willesborough Lees	11.04.91
Wittersham	29.03.74
Woodchurch	20.07.73
Wye	03.04.70

APPENDIX 4

Historic Towns Survey Maps

A plan was produced by Kent County Council for selected towns providing archaeological response zones based on the known importance of archaeological deposits in that town, which derives from the Extensive Urban Archaeological Survey. The boundaries of these zones are related to the possible extent of archaeological deposits rather than modern boundaries.

Key documents in assessing the archaeological potential of Kent's towns are the Ordnance Surveyors' Field Drawings of c. 1800 (held by the British Library). These provide consistent, fairly detailed cartography of the various towns before the population explosion of the 19th century. While they do not map the extent and layout of the towns in the medieval period, they nonetheless provide a useful baseline for assessing the extent and layout of the towns in the Middle Ages.

Four types of Urban Archaeological Zone have been identified although they will not necessarily be present in all the towns. The zones indicate:

- Zone 1 – Areas of known national importance;
- Zone 2 – Areas of known archaeological potential where clarification of the nature of this potential is required;
- Zone 3 – Areas where archaeological potential is thought to be lower; and
- Zone 4 – Areas in which archaeological remains have been completely removed.

Full assessments for Appledore, Ashford, Charing, Chilham, Smarden, Tenterden and Wye can now be found on the Archaeology Data Service at www.archaeologydataservice.ac.uk

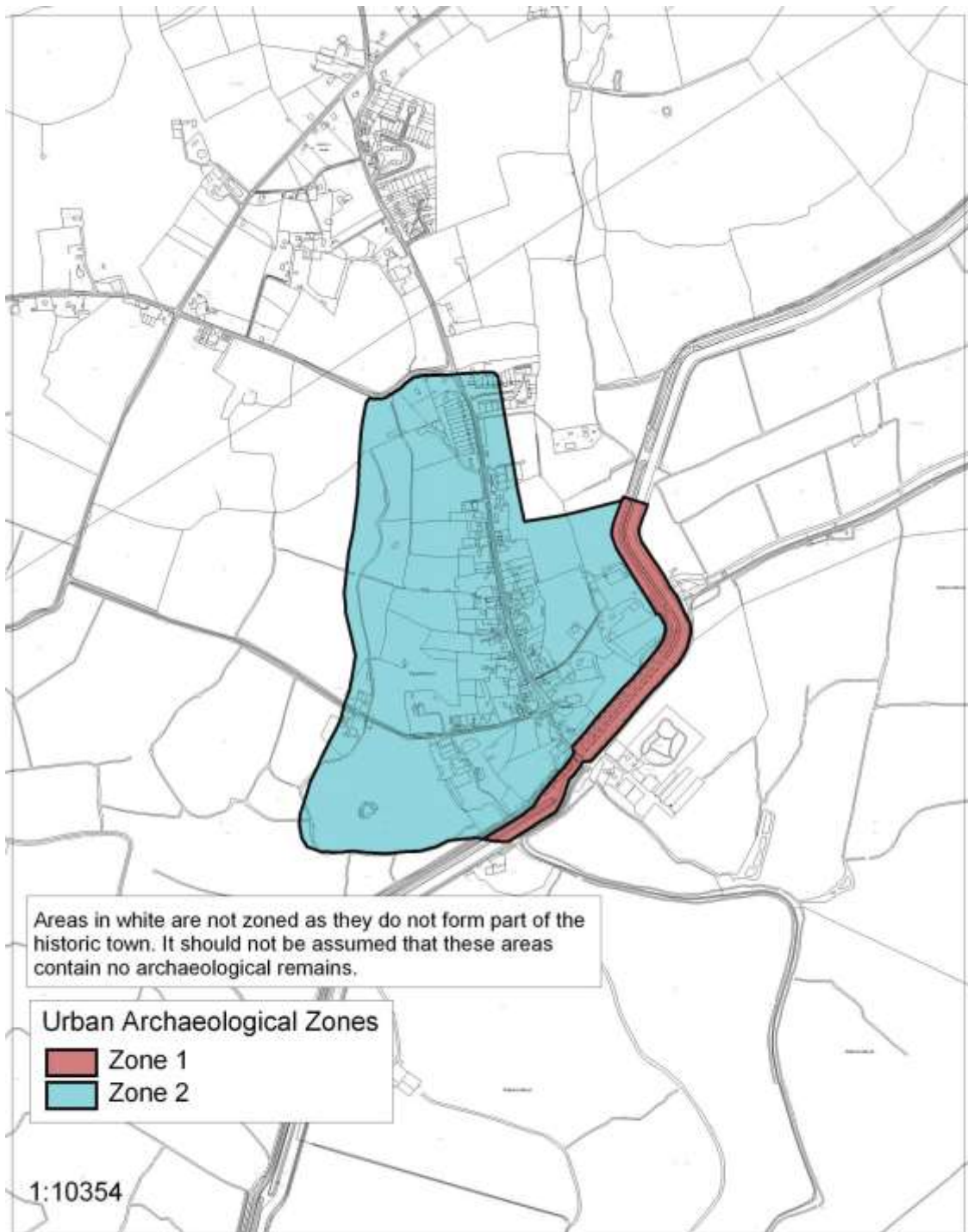


Figure 13. Map of Appledore showing Urban Archaeological Zones

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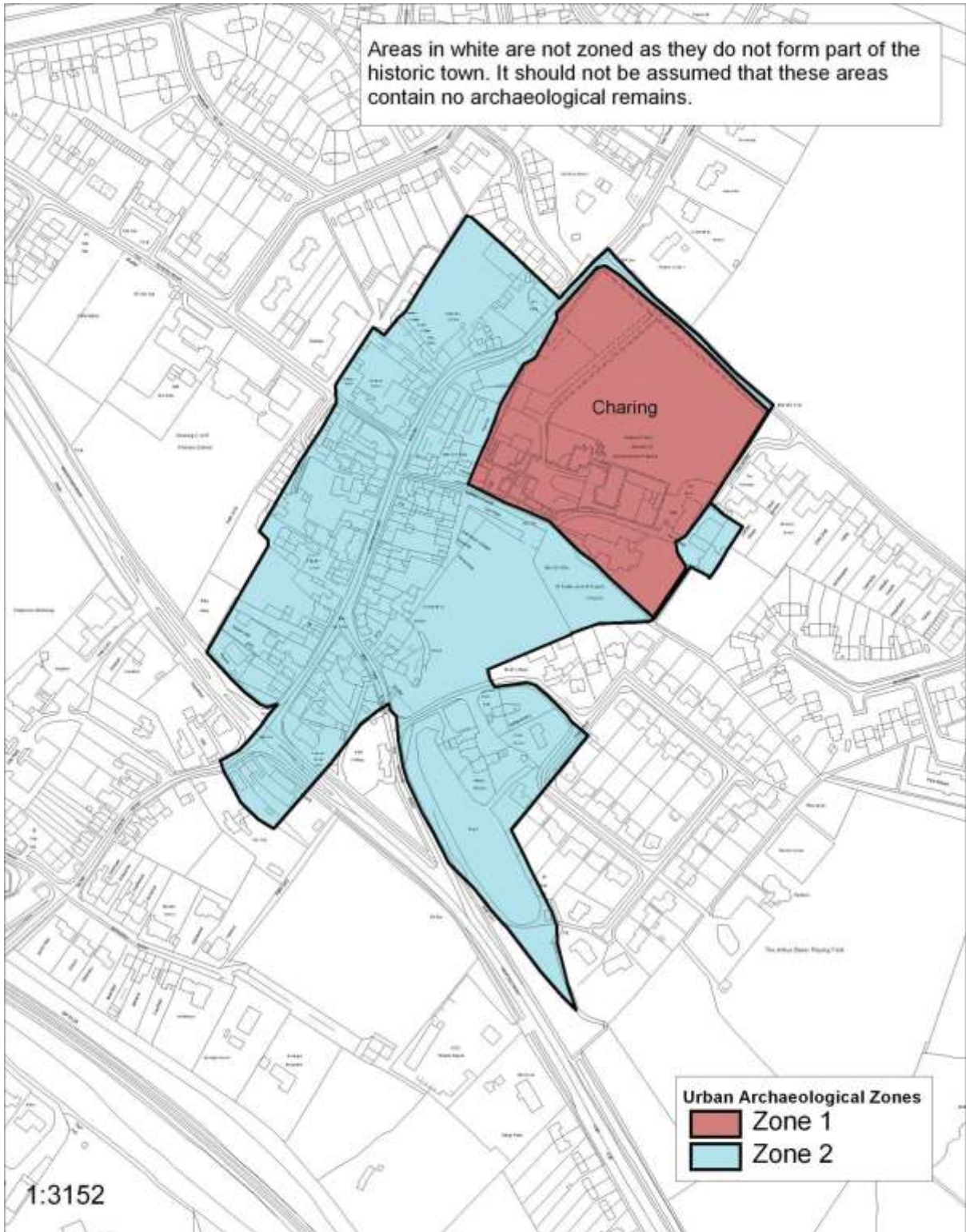
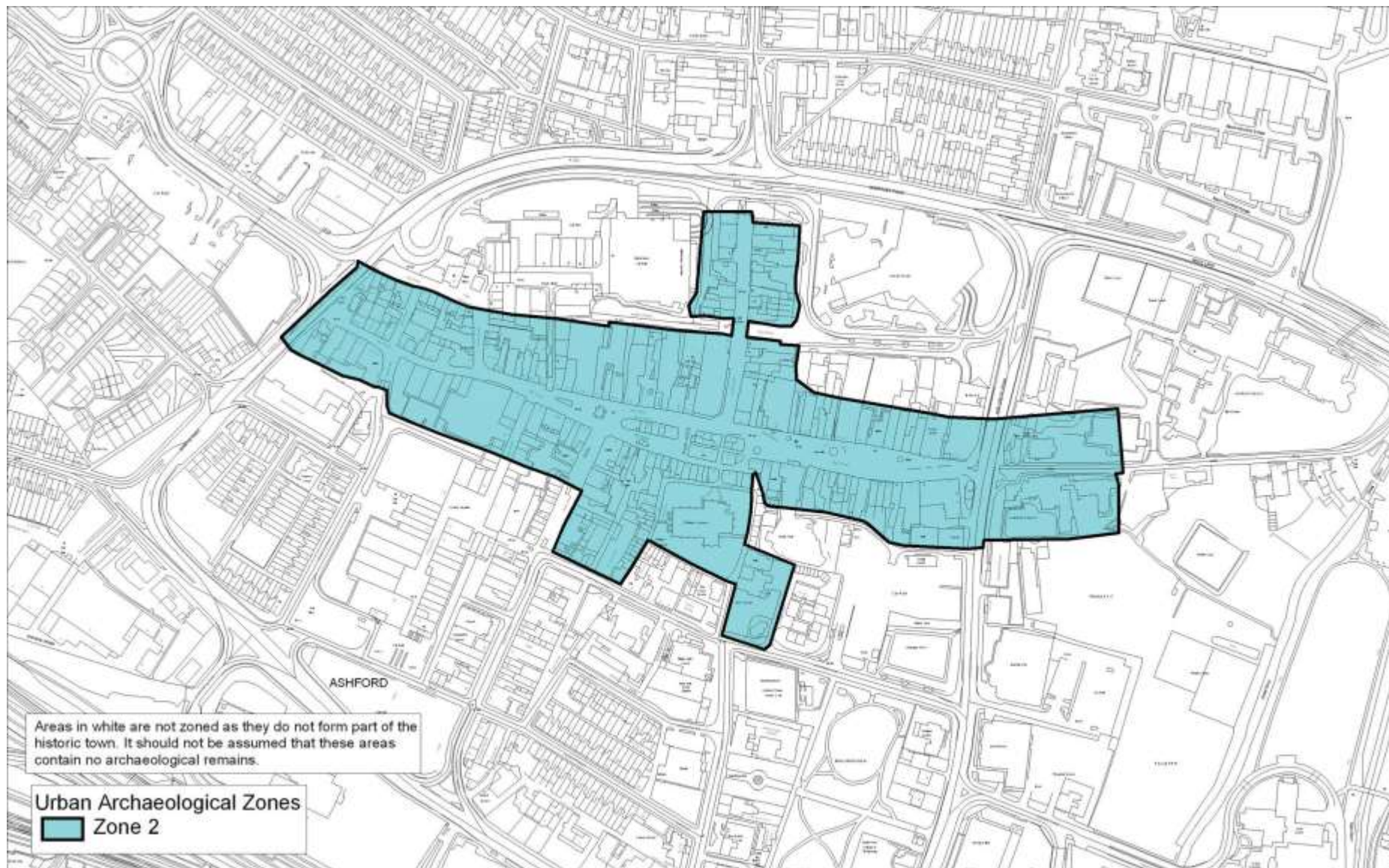


Figure 12. Map of Charing showing Urban Archaeological Zones

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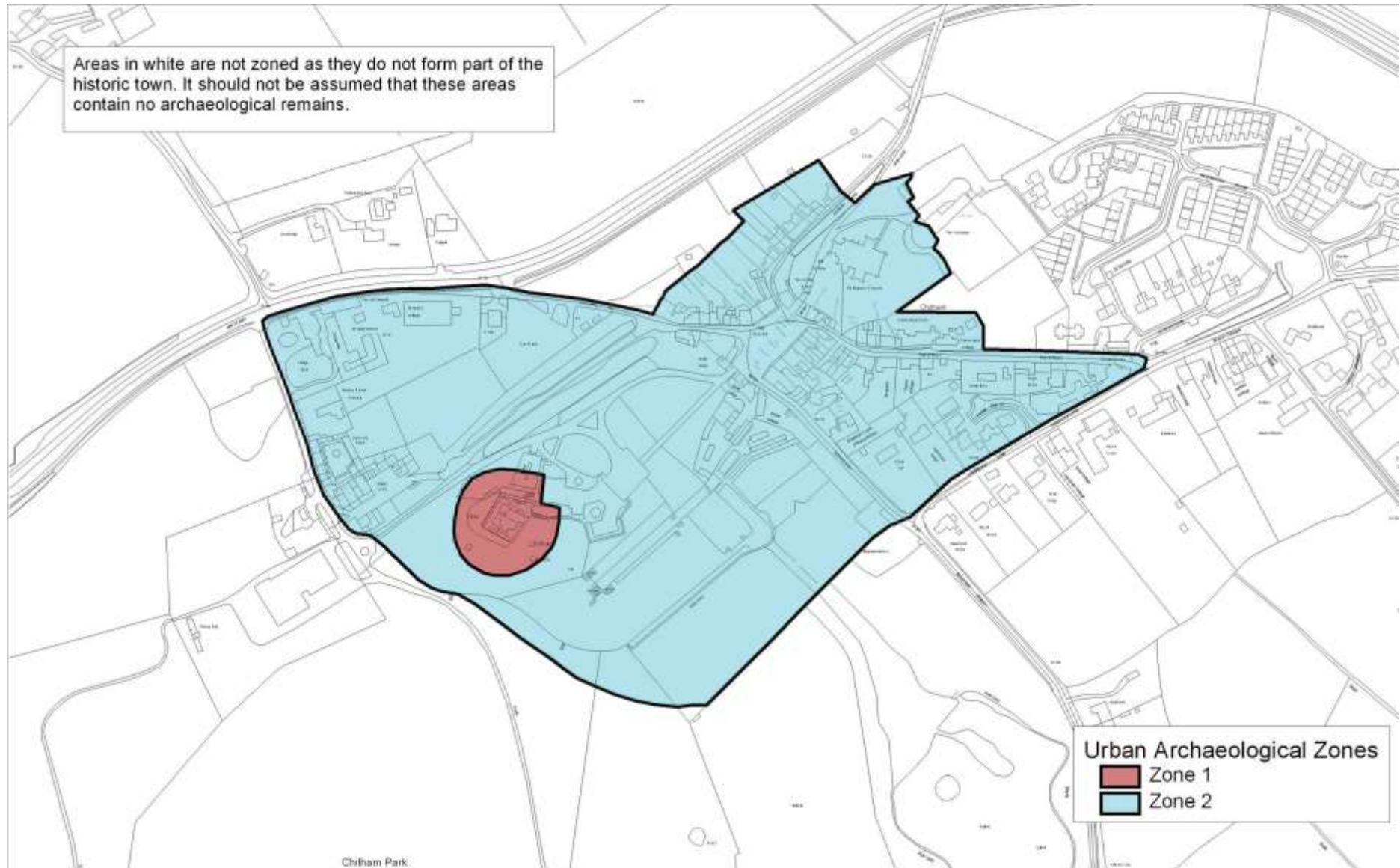


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Figure 12. Map of Ashford showing Urban Archaeological Zones

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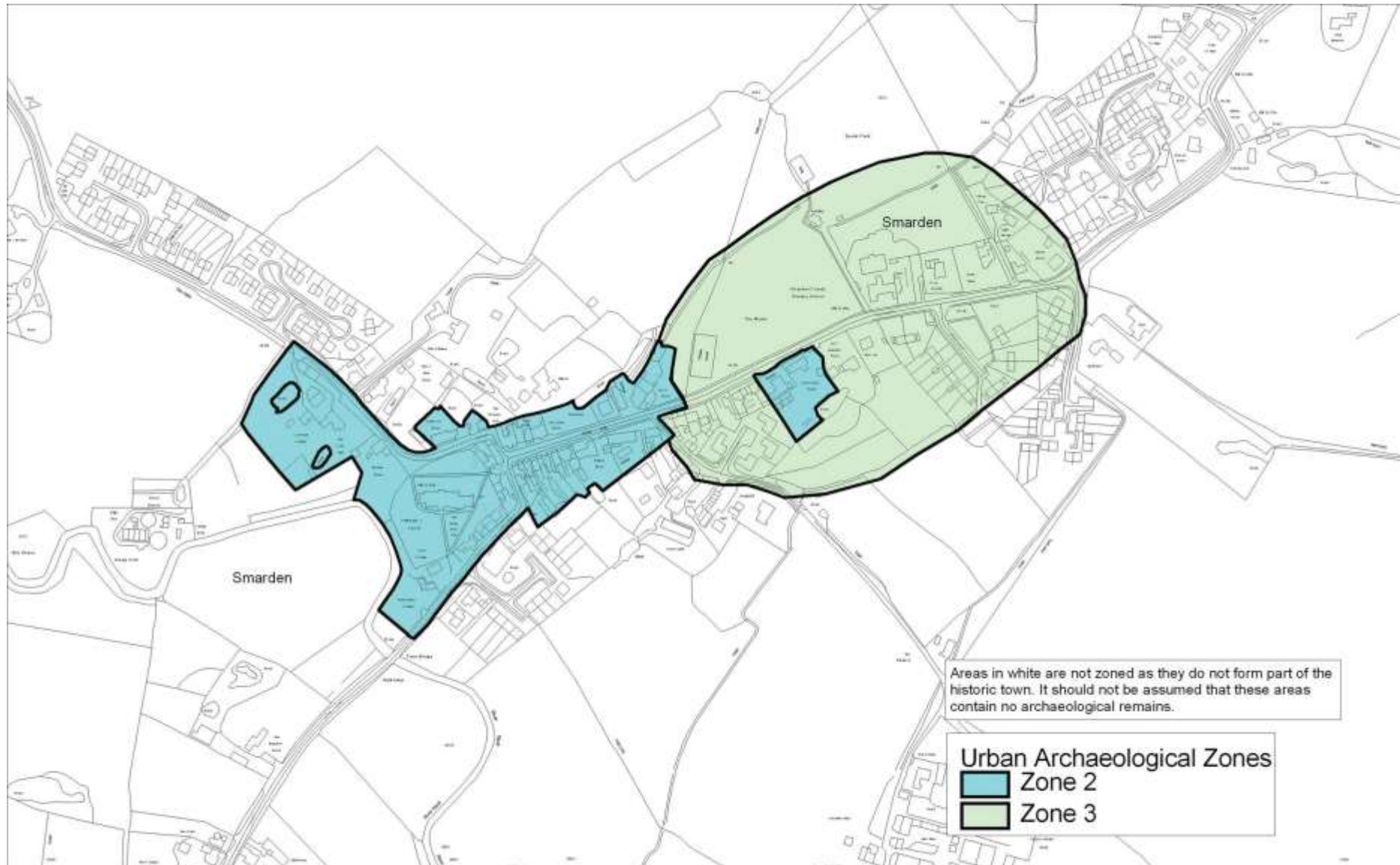


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Figure 10. Map of Chilham showing Urban Archaeological Zones

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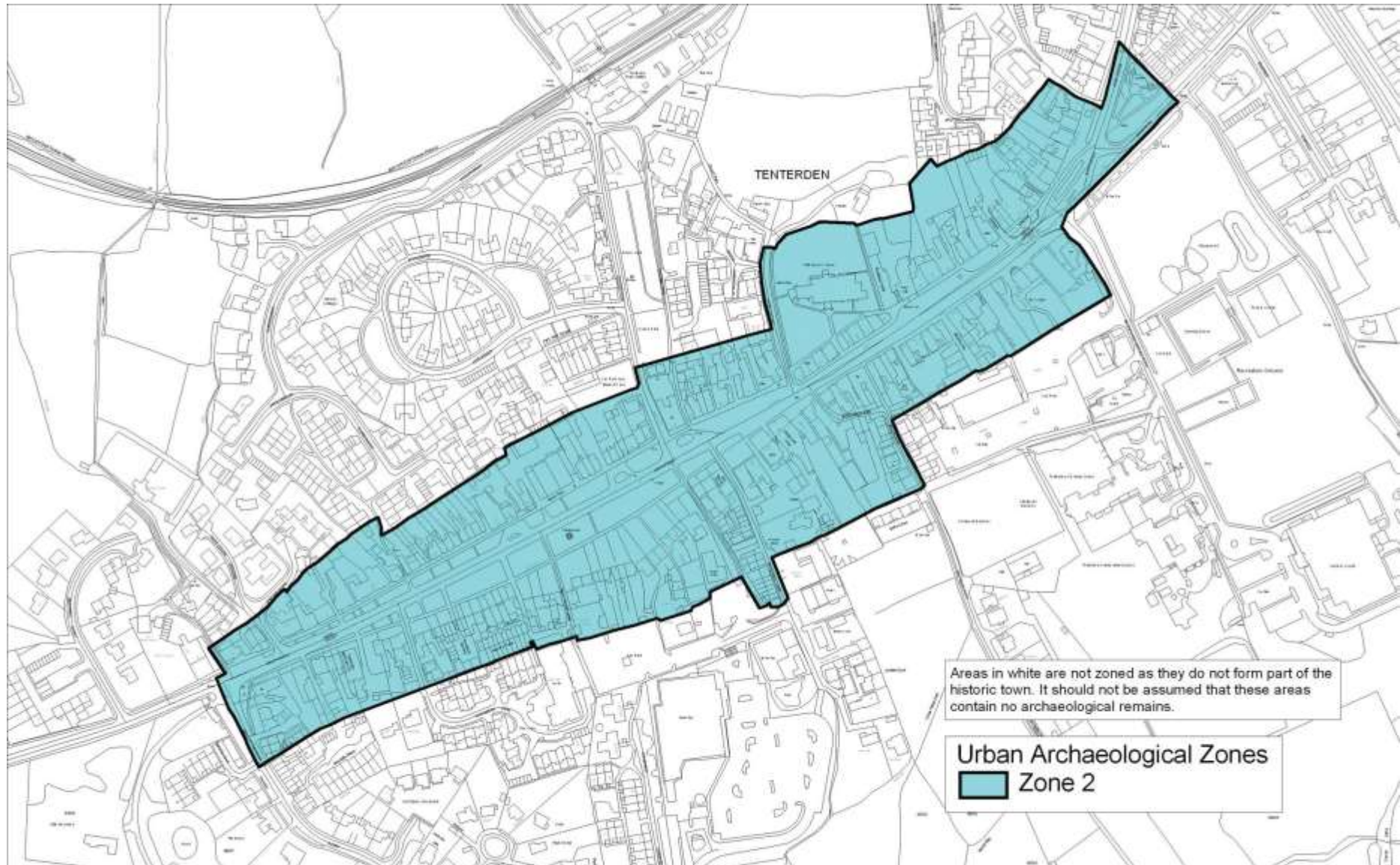


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Figure 12. Map of Smarden showing Urban Archaeological Zones

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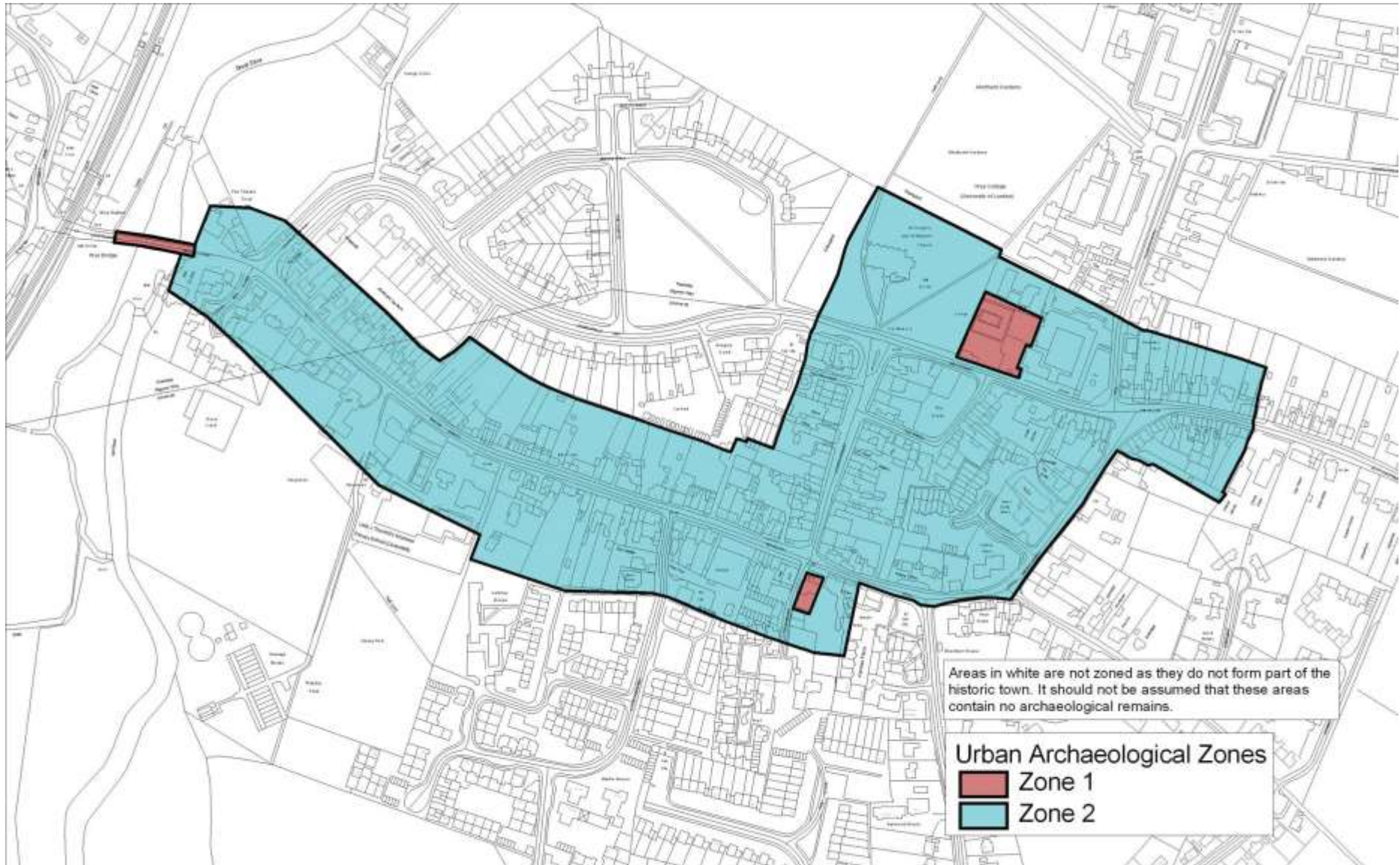


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Figure 13. Map of Tenterden showing Urban Archaeological Zones

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Figure 13. Map of Wye showing Urban Archaeological Zones

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Agenda Item No: 9

Report To: Cabinet

Date of Meeting: 12 October 2017

Report Title: Reducing waiting times for Disabled Facility Grants (DFG).

Report Author & Job Title: Rebecca Wilcox
Housing Operations Manager

Portfolio Holder Cllr. G. White
Portfolio Holder for: Housing

Summary:

This report set out proposals to address the Councils aspirations to level the playing field for disabled adaptations regardless of tenure. The report provides feedback from the Kent wide multi agency research project commissioned by Kent Housing Group, which concluded earlier this year and suggests interim measures to bring down waiting times for those applying for a Disabled Facilities Grant (DFG).

Key Decision: Yes

Significantly Affected Wards: Affects all wards

Recommendations: **The Cabinet is recommended to:-**

- I. Approve one-off additional capital funding contribution of £200,000 for financial year 2018/19.
- II. Support the provision of a dedicated occupational therapist for Ashford in partnership with KCC based on an initial 6 months and, subject to review, with the expectation of extending the placement up to 18 months. Total funding contribution from the Council for the 18 month secondment will be £32,250. KCC will match fund this.

Policy Overview: The Council has a statutory duty in relation to mandatory disabled facilities grants.

Financial Implications: The additional capital funding of £200,000 will be funded from the underspend in the Corporate Delivery Plan reserve. The provision of a dedicated Occupational Therapist (OT) for Ashford will benefit both applicants for DFG's and also tenants awaiting disabled adaptations in the Housing Revenue

Account (HRA) tenancies. In view of this the HRA can support 50% of the costs for the dedicated OT with the remaining 50% funded by KCC.

Legal Implications The Council have a mandatory duty to provide DFGs this proposal will support the provision of reduced waiting times resulting in a better service for the residents of the Borough.

Equalities Impact Assessment See Attached Appendix 1 – There are no adverse implications as a result of these proposals.

Other Material Implications: There are no other material implications

Exempt from Publication: NO

Background Papers: Kent Housing Group – Integrated Housing, Health and Social Care Project.

Contact: Rebecca Wilcox Housing Operations Manager – 01233 330405 rebecca.wilcox@ashford.gov.uk

Agenda Item No. 9

Report Title: Reducing waiting times for DFGs

Introduction and Background

1. Since April 2015 central Government funding for DFGs has been provided through the Better Care Fund (BCF). This funding is allocated to upper-tier authorities with part of the allocation being ring fenced for the provision of DFGs which in turn is passed on to District and Borough Councils. In the 2015 Spending Review the Government committed to increase DFG funding nationally from £220m to £394 million in 2016/17 rising to £500m by 2019/20.
2. In 2015/16 Ashford was allocated £389,000 which rose by £319,000 the following year to £708,000 with a further increase of £67,304 to £775,304 for 2017/18.
3. Along with the introduction of the BCF it was agreed by the Kent Districts and Boroughs that the 2017/18 funding would be “top-sliced” by KCC to replace the Social Care Capital Grant, which ceased in February 2016. For Ashford this funding equates to £113,304 (taken from our initial allocation) which is to be used to provide equipment, hoisting and minor adaptations to assist residents of Kent to continue to live in their homes.
4. In addition to the Social Care Capital Grant, a hardship fund for Kent residents to top up their DFG is available where evidence suggests they cannot top up if over £30,000 or afford their determined notional loan. This allows the adaptations to go ahead in a timely manner, avoid delays and meet the needs of the individual.
5. Our net allocation from the BCF is £662,000 for 2017/18 and this is supplemented by a contribution of £90,000 from the General Fund.

The councils DFG process

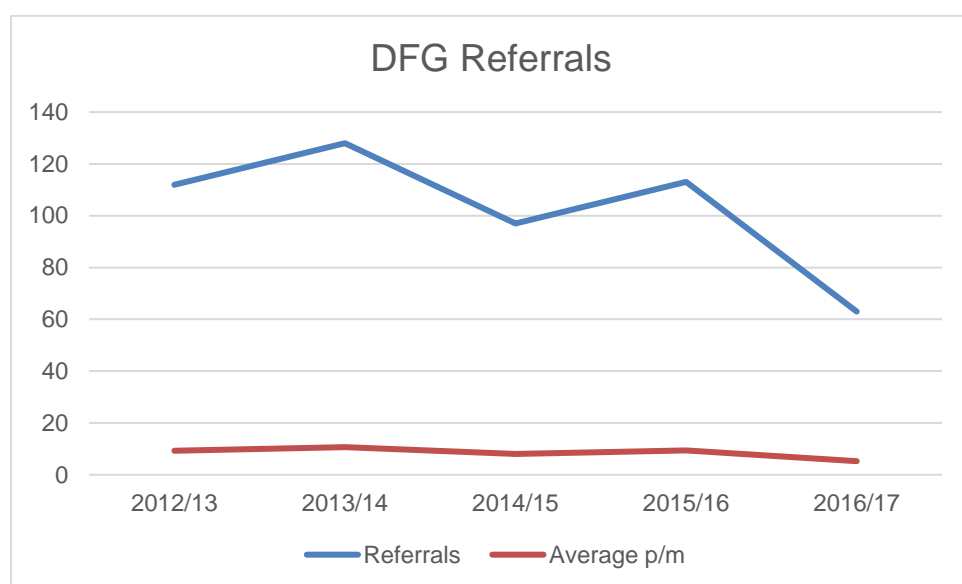
6. The Council’s role is to administer the grant, ensuring that the applicant qualifies for assistance, that the scheme of the work is reasonable and practical, and that the work is both necessary and appropriate. An integral part of this process is the assessment of the applicants needs for adaptations, the council by law is required to consult with Occupational Therapists (situated within KCC).
7. The Occupational Therapy Service within the Ashford Adult Community Team, are required to complete detailed functional assessments of the applicants needs for the provision of necessary and appropriate adaptations which can be financed under DFGs. The recommendations are then forwarded to the Private Sector Housing team (PSH) who administrate the DFG on behalf of the authority.
8. The Occupational Therapist (OT) carries out a joint visit with a builder, surveyor and the authorities grant officer when the DFG is ready to proceed. This visit confirms the technical feasibility of the OT recommendation, whether adjustments are required to the original referral. A technical drawing and detailed specification

will then be completed by the surveyor with the final submission being agreed by the OT and the grants officer. The OT will also carry out a post inspection of works.

9. This process is supported by the Home Improvement Agency (HIA), which in Ashford is provided by Family Mosaic. The HIA act as an agent for the applicant offering a service to draw up a detailed specification and obtain estimates via a tendering process in return for a fee, which is grant aided.

Current position – Disabled Facilities Grant (August 2017)

10. Our current waiting list (the time between receipt of the DFG application and completion of works) and times have significantly dropped in comparison to previous years, the table below illustrates our current position.



11. We have 27 applicants waiting for an adaptation with the average spend of £10,300.
12. Current referrals from the OT Team stand at 19; this is an average of 3.8 referrals per month compared to 6.5 referrals per month for 2016/17 and 9.4 referrals per month for 2015/16.
13. Our current position would mean that 85% of our budget will be spent to the end of the year, this underspend will have a detrimental effect on our budget going forward. However, it is important to note that there are currently 62 clients requesting a DFG waiting for an assessment by the OT service with an anticipated work spend of £547,000.
14. Therefore although there is a projected underspend of the DFG budget based on the referrals received from the OT service so far, when the cases waiting for an OT assessment are referred to the Council for a DFG they are likely to add pressure to the Council's DFG budget.
15. These figures represent a snapshot of numbers at a point in time and new requests are being received which will only increase the number waiting for assessment.

Current position – Disabled Adaptations (Housing Revenue Account)

16. Since 2015/16, the HRA has increased investment in Disabled Adaptations by 40%, with this year's budget set at £600,000.
17. We have 20 case waiting for an adaptation with the average spend of £11,225
18. Waiting times since the increased investment reduced to 12 months to the end of 2016/17 with the times reducing on average over the last 6 months to below 12 months.
19. The Council has received 6 new HRA tenant referrals since April 2017.

Current position – Occupation Therapy Service

20. The OTs role is to maximise the number of people living independently in the environment of their choice. They do this by; the promotion of health and wellbeing through occupation, enabling people to participate in everyday life, enhancing people's ability to engage in activities they want to, modifying the environment to better support their occupational engagement. They focus on targeted interventions to maximise independence and minimise the need for longer-term support.
21. The vast majority of applications are for adults, there is currently a waiting time of up to 7 months for a home visits from an OT to assess the applicant's needs. This wait for an OT assessment adds to the overall wait time for a DFG. As mentioned above there are currently 62 clients waiting for an assessment with an anticipated grant work value of £547,000.
22. It is important to note that all clients on the waiting list to be assessed have already undergone at least one assessment by another Social Care professional with an aim to resolve the clients need
 - An in-depth initial telephone assessment and where appropriate core equipment and minor adaptations can be provided
 - Enablement at home, supporting ways of maximizing functional independence
 - A visit by a technician who is able to provide minor adaptations
 - An assessment at the Gateway Assessment Clinic where specialist equipment can be trialed and provided.
23. In addition to the above many clients have received rehabilitation services provided by the National Health Service.

Integrated Health, Housing and Social Care Project - Kent Housing Group update

24. In April 2015 the funding for Disabled Facilities Grants (DFG's) was transferred from the Department of Communities and Local Government (DCLG) to the Department of Health (DoH). Following this change in funding and a focus upon integration of housing, health and social care services Joint Chief Executives

agreed in March 2016 to a countywide review, resulting in recommendations for a transformation of the delivery of DFG's.

25. The scope of the review was initially to work towards a more integrated model that could be implemented from 2017/18. Initial Objectives of the review were to:

- Critically review existing delivery models of DFG's across Kent
- To review current waiting times, type, number and average cost of aids and adaptations
- To establish local good practice, efficiency savings and the potential to replicate county wide
- To consider greater integration of service delivery between housing health and social care
- To establish timely, streamlined and effective provision of service, ensuring better outcomes for the service user
- Ensure value for money through exploration of smarter procurement opportunities
- Standardise performance data collection and analysis

26. In light of the substantial increase in the Better Care Fund, allocation for Kent and the directive from the Department of Health to think strategically and take a joined up approach the scope of the project broadened. Whilst the DFG delivery models across Kent were a strong focus of the project, the opportunity to consider and understand the whole system that delivered aids and adaptations, working towards and enabling a greater integration of health, social care and housing services around the person and their home became clear and widened the scope of the project. As a result in addition to the aforementioned objectives the following were included:

- Consider and move towards a model of delivery that is supported by integrated and multi skilled teams
- Provide improved/enhanced customer pathways, to develop county wide priorities and service standards
- Consider and explore county wide procurement opportunities for fast track provision of straight stair lifts and shower loos cubicles to support micro living and accelerated hospital discharge
- Explore pooling of budgets with Housing, Health and Social Care
- Evidence the impact of adaptations upon health outcomes and costs, the return on investment.

27. Key Findings from the review included:

- Inconsistent advice provided at initial point of contact about waiting times for assessment and completion of DFG's

- Inconsistent or lack of monitoring of timescales and communication with regards to customers end to end DFG journey from first approach to closure.
- Some lack of awareness of the assistance available through the DFG process in the communities and also within some statutory services
- Housing Assistance Policies and investment differ across the County with regards to Discretionary Assistance
- The majority of local authorities have now removed local contribution funding into their overall DFG allocation
- Registered Housing Providers are reviewing contributions/undertaking of adaptations within their stock, including stock from Large Scale Voluntary Transfer
- Increased/improved promotion about assistance available for disabled adults and children by the local authorities
- Additional investment into innovative pilots, such as co-located OT's and hospital discharge schemes.
- Opportunities for smarter procurement are not being exploited, there are elements of the delivery mechanism in some areas that remain fragmented, with a process driven approach, a number of agencies involved resulting in duplication, inefficiencies, multiple handoffs and contacts between the customer and the range of agencies involved.

28. The review also provided the opportunity to share the good practice and innovative projects that some of the Kent Districts and Boroughs are now undertaking through the increased BCF funding, for example:

- West Kent Hospital Discharge Programme and enhance Handy Persons Scheme, financially supporting a full time Discharge Coordinator Role in the Pembury Hospital. Maidstone BC now have a similar role at their local hospital.
- The Shepway Enablement Service, working to ensure timely and appropriate discharge from hospital through an enhanced Handy Persons Scheme.
- Seconded OT's working within Housing Teams to ensure timely assessment for DFG cases, reducing the waiting list times as referrals from KCC are direct to the OT's working within the districts.

Feedback from each of the pilots has been positive; placements for the seconded Occupational Therapists have all been extended for an additional six months to all be in post for one year in total. Co-located OT's have reduced or cleared waiting lists in areas of Kent where they are working alongside Private Sector Housing teams and this arrangement has also lead to improved working relationships and benefits between housing and social care colleagues.

29. In Kent, as other areas have demonstrated nationally there is potential to cluster services across local authorities areas, pooling funding and designing resources to deliver a holistic customer cantered service, meeting the vision to support independent living. The models explored in Kent include the following elements:

- DFG's
- Minor Adaptations

- Major Adaptations
- Handy Persons Schemes
- Low Level Housing Assistance including Repairs, heating, energy efficiency measures/assistance
- Advice/Information and support to access relevant services outside the scope of the model – sign posting
- Telecare (assisted technology) – access to telecare equipment & community equipment
- Post hospital discharge support – links to handy persons schemes or other agencies who support hospital discharge and re-admissions

30. The recommendations shared with the Joint Kent Chief Executive colleagues concluded that Kent should work towards the delivery of timely effective customer pathway, with each of the responsible partner agencies understanding roles and responsibilities and when the intervention, funding or support is required, with the aim to support independent living at home for as long as appropriate. A service across Kent should be tenure neutral with Self-Funding clients receiving good sound advice about what support or aids/adaptions they require to remain at home, safely. Priority should be given to statutory DFG's with consideration of any surplus funding for innovative work such as the hospital discharge schemes and exploration of pooling of funding to achieve this across the County. The recommendations also included working more closely to understand what RP's will intend to undertake within their stock so that local authorities are aware and can plan for potential spend, that all partners should work to strengthen partnerships and to collate robust need and expenditure data to help future proof the funding for DFG's.

31. Following the presentation to the Joint Kent Chief Executives in June 2017 it was agreed to take forward an East Kent Pilot Integration Project, working towards agreeing a scope and governance for an integrated pathway and approach to the delivery of DFG's and considering other recommendations from the Kent review, with regards to low level inspections, the placement of OT's and how funding is used to allow innovation. The East Kent pilot will be led by the CEX from Ashford BC and Thanet DC, with support from Adult Social Care and with input from the appropriate CCG's in the East of Kent, KCC Commissioning and colleagues from the five East Kent local authorities who can inform the pilot project. The project is likely to be overseen and supported by the Joint Policy and Planning Board for Housing in Kent, and the first meeting of colleagues to agree the scope and governance will take place at the end of September.

Proposed solutions

32. It is Ashford Borough Council's aspirations to level the playing field for clients requiring disabled adaptations, regardless of tenure type. Whilst positive action has been taken to reduce wait times within the HRA there is still a significant backlog of cases for mandatory DFGs awaiting assessment. In addition to this it is apparent

that delays in OT assessments are reducing referrals to the Council and adding to applicants waiting times to have their disabled adaptations met. This delay in referrals is also impacting on the Council's DFG's spend profile. Officers have reviewed the position to make some short term proposals pending further work on considering the recommendations for more collaborative working arising from the Kent Integrated Health, Housing and Social Care Project set out above.

33. Having identified that there is a blockage with referrals for disabled adaptations and the learning to date from the Pilot project, we have engaged in open and honest conversations with KCC OT service. In order for better integration, an improved client experience (reduction in waiting times) and positive partnership working, it is proposed that the Council part funds a full time OT on a 50:50 basis with KCC. The proposal is that the OT would be employed by KCC but positioned within the Council's housing department as a dedicated Ashford OT resource to work on the backlog of referrals. This officer will also work with our Disabled Adaptations officer and the Lettings Team to provide an early assessment in relation to HRA adaptations cases as well as providing advice in relation to cases on the housing register. It is suggested that these proposals would result in improved service delivery for those awaiting disabled adaptations assistance and that applicants will be provided with integrated service delivery in a holistic and streamlined way. The proposals are intended to be temporary in nature as a precursor to considering the Integrated Housing, Health and Social Care recommendations from the Kent research project. It is suggested that the proposal is for an initial 6-month period and, subject to a review, may be extended on a 6 monthly basis for a total period of 18 months. As the proposal supports both HRA tenants and DFG, applicants it is proposed that the housing contribution towards the jointly funded project is funded from the existing budget allocation in the HRA for disabled adaptations.
34. To support the increase in referrals for DFG's and to continue to work towards our aspirations of bringing the waiting times for DFGs more in line with HRA adaptations, it is recommended that an additional one off capital contribution is provided of £200,000 for 2018/19. It is considered that this sum together with the improved integrated working arrangements will be sufficient to reduce waiting times for disabled people.

Implications and Risk Assessment

35. We have a mandatory duty to provide DFGs and by supporting the proposal of a one-off financial contribution to the 2018/19 budget and the proposal for a dedicated OT we will commit to reducing our waiting times, work towards aligning adaptations regardless of tenure and work on providing a more holistic and integrated approach to disabled adaptations. Proving a commitment to supporting independent living, which would have a significant impact on those residents who are the most vulnerable and most in need.

36. Failure to address the current situation could lead to increased waiting times for DFGs and further widening the gap between council tenants and other residents in the Borough.

Equalities Impact Assessment

37. Members are referred to the attached Equalities Impact Assessment at Appendix 1. The assessment does not identify any adverse impacts on any group.

Consultation Planned or Undertaken

38. Consultation has taken place between Occupational Therapy Service and the Home Improvement Agency in order to ensure that any additional frontline funding provision can be supported and delivered.

39. The implications and needs of the additional funding has been fully considered internally within Housing and is supported by the Portfolio Holder for Housing and Home Ownership.

Other Options Considered

40. The Council is in the process of considering the recommendations arising from the Integrated Housing, Health and Social Care project which aims to increase efficiency in managing adaptations locally, however it is anticipated that this work which includes collaboration with other Council's and agencies may take some time to scope and bring forward.

Reasons for Supporting Option Recommended

41. The council has a mandatory duty to provide DFGs to disabled residents in our borough. Providing additional funding to undertake an increased workload and to second an OT will improve the client experience while also working towards a more holistic approach to adaptations, housing needs and access issues facing our residents.

Next Steps in Process

42. If these proposals are approved a selection process will take place to identify the placement of an OT from KCC to be co-located within the Council's housing department.

43. The Home Improvement Agency need to be given notice of any increased funding levels so that they can ensure sufficient resources are available to meet an increased workload.

44. Officers will engage in further work to consider the Integrated Housing Health and Social Care Project recommendations.

Conclusion

45. The demand for adaptation work is increasing despite significant investments in budgets for such work over recent years. The increase can be associated to demographic demand, the rise in an aging population and improved health interventions, leading to more people living in the community in their own homes with more complex needs requiring more support with the drive for independence.
46. Approving the recommendations will allow us to work towards the Council's aspirations of leveling the playing field for disabled adaptations. This will be achieved by improving the customer's overall journey; from reduction in waiting times to that for an initial assessment by an OT or for works to be agreed. The approval will also allow us to work with KCC to remove an identified barrier while supporting a working arrangement that has proven to work in the pilot Borough as set out in the KHG research project's findings.
47. The dedicated OT placement will also provide an opportunity to develop a more holistic approach to managing and supporting adaptations, complex needs and embrace the challenges set by the BCF to enhance integration initiatives within Health, Social Care and Housing and improve the customer journey. This supports the findings from the Integrated Health, Housing and Social Care Project.

Portfolio Holder's Views

48. There is growing demand for disabled adaptation work as more people live longer and expect to stay in their homes for longer too. There has always been an aspiration to level the playing field regardless of tenure, the recommendations have considered the recent findings from the Joint Chief Executives' commissioned report on DFGs throughout the County in particular the co-location of OTs and grant officers. The recommendations will support the improvement to the customer journey while dealing with the current pressures across both services.

Contact and Email

49. Rebecca Wilcox Housing Operations Manager – 01233 330405
rebecca.wilcox@ashford.gov.uk

Appendix 1

Equality Impact Assessment

Lead officer:	Rebecca Wilcox
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Reducing waiting times for Disabled Facility Grants (DFGs).
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	October 2017
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The Cabinet Report sets out proposals to address the Council's aspirations to level the playing field for disabled adaptations regardless of tenure. The report provides feedback from the Kent wide multi agency research project commissioned by Kent Housing Group, which concluded earlier this year and suggests interim measures to bring down waiting times for those applying for a Disabled Facilities Grant (DFG).</p> <p>A one-off Capital investment to support the customer journey by reducing waiting times.</p> <p>The secondment of an Occupational Therapist will provide an opportunity to develop a more holistic approach to managing and supporting adaptations and complex needs. This supports the findings from the Integrated Health, Housing and Social Care Project.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>Background research included the following legislation:</p> <ul style="list-style-type: none"> • The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 • The Chief Executives commissioned report, Integrated Health, Housing and Social Care Project. • Tonbridge and Malling Borough Council's case study on the

	<p>success of seconding an Occupational Therapist and the benefits this has had to their overall DFG service.</p>
<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>Consultation process included relevant Managers within Housing, including the Portfolio Holder.</p> <p>A consultation process was also carried out with Kent County Council (social services) and the Home Improvement Agency on the concept of seconding an OT and the resources available to deal with the current backlog of referrals and the additional work load the one-off funding will create.</p>

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	High	Positive (Minor)
Middle age	Medium	Positive (Minor)
Young adult	Low	Positive (Minor)
Children	Medium	Positive (Minor)
<u>DISABILITY</u> Physical	High	Positive (Minor)
Mental	Medium	Positive (Minor)

Sensory	Medium	Positive (Minor)
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	No negative impact envisaged.
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Is the decision relevant to the aims of the equality duty? Guidance on the aims can be found in the EHRC's <i>Essential Guide</i> , alongside fuller <i>PSED Technical Guidance</i> .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

Conclusion: <ul style="list-style-type: none">Consider how due regard has been had to	Approving the funding and seconding an OT will not have any potential for discrimination or adverse impact for people living within the Borough.
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<p>the equality duty, from start to finish.</p> <ul style="list-style-type: none"> • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>No unlawful discrimination will result from approving the above measures.</p> <p>Both proposals meet the aims of the equality duty and no adjustments were required.</p> <p>Monitoring of the DFG process will be undertaken monthly to ensure that there is an overall improvement in the service.</p> <p>The results of implementing the recommendations will be reviewed at the end of the financial year 2018-19 and a report provided for members.</p>
<p>EIA completion date:</p>	<p>29 September 2017</p>

Agenda Item No: 10
Report To: Cabinet
Date of Meeting: 12th October 2017
Report Title: Self and Custom Build Register – charging of fees
Report Author & Job Title: Matthew Nouch, Policy Planner
Portfolio Holder Cllr. Paul Clokie
Portfolio Holder for: Planning



Summary:

Beginning on 1st April 2016, the Self-Build and Custom Housebuilding Act 2015 has placed a duty on local councils in England to keep and have regard to a register of people who are interested in self-build or custom-build projects in their area. Local planning authorities must give planning permission to enough suitable serviced plots of land to meet the demand on this Self and Custom Build Register (SCBR). Applicants to the SCBR must meet a series of eligibility criteria. Furthermore, local authorities are able to set further optional criteria, including the payment of a fee to cover officer time and administrative burden.

Purpose of the report

The report explains the Council's responsibilities with regard to the SCBR. It outlines the way in which the overall 'demand' for serviced plots for self and custom build is calculated, clarifies the current level of demand and what this means for the Council. It will outline the measures currently being undertaken internally to be able to plan for and meet the demand for self and custom build within the borough. This will provide the context and rationale for requesting that Cabinet agrees a fee should be required from applicants to enter onto the SCBR, and a renewal fee charged annually on 31st October to remain on the register.

Key Decision: YES

Significantly Affected Wards: All

Recommendations: **The Cabinet is recommended to:-**

- I. Agree that a fee may be charged for entry onto the Self and Custom Build Register (SCBR), and for renewal on an annual basis, to fully cover the Council's reasonable costs.**
- II. Agree the fee amounts for the 'base period' 2017-**

18 are set at £30 for initial entry onto the register, and £15 annual renewal fee.

Policy Overview:	Ashford's Corporate Plan seeks to ensure that the Council "is effective, efficient and sustainable in terms of finance, resources, service delivery and enforcement". This is further detailed in Ashford's underpinning principles for our four priorities, ensuring we remain a well-resourced Council to be able to deliver the high standards of service expected of us. This is intended to underpin Priority 2 of the plan, resourcing the delivery of Self and Custom Build homes in the borough.
Financial Implications:	The introduction of the requirement to keep a SCBR has introduced an ongoing administrative burden on local authorities which, as guidance allows, may be covered by charging applicants this discretionary fee for entry to and remaining on the register.
Legal Implications	See Appendix 1
Equalities Impact Assessment	See Attached
Other Material Implications:	None
Exempt from Publication:	NO
Background Papers:	None
Contact:	matthew.nouch@ashford.gov.uk – Tel: (01233) 330254

Self and Custom Build Register – charging of fees

Introduction and Background

1. The Self-Build and Custom Housebuilding Act 2015 places a duty on local councils in England to keep and have regard to a register of people who are interested in self-build or custom-build projects in their area. This register is intended to help inform the Council of the level of demand for self-build and custom-build plots in borough and enable it to develop a strategy for delivering serviced plots.
2. Applicants to the register must meet all of the eligibility criteria for entry on the register. Each individual applicant and every member of an association of individuals that applies for entry on the register must:
 - a) be aged 18 or older;
 - b) be a British citizen, a national of a EEA State other than the United Kingdom, or a national of Switzerland;
 - c) satisfy any local eligibility conditions set by the relevant authority;
 - d) have paid any fee required by the relevant authority to enter or remain on the register; and
 - e) be seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area for their own self-build and custom housebuilding project.

Points c) and d) are not currently required by Ashford Borough Council.

3. Local planning authorities have a duty to give planning permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a 'base period'.
4. The first 'base period' began on 1st April 2016 (when the requirement to keep a register came into force) and ended on 30 October 2016. Each subsequent 'base period' is the period of 12 months beginning immediately after the end of the previous 'base period'. Subsequent 'base periods' will therefore run from 31 October to 30 October each year.
5. At the end of each 'base period', relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that 'base period'. If insufficient permissions have been granted within that time period, there is recourse for permissions to be granted for self or custom build on publicly-owned land.

Proposal/Current Position

What is Ashford's current demand?

6. Applicants can currently register to enter onto the Ashford SCBR by completing the online form at www.ashford.gov.uk/self-build-register, which can also be accessed via the national portal at <http://localselfbuildregister.co.uk/>.
7. The contents of the register are not public, given the sensitive personal data collected, processed and stored according to the Data Protection Act 1998. However, the Council is obliged to publish headline data on the demand for self and custom housebuilding revealed by the register in its Annual Monitoring Report. There is opportunity for further publicity via the Council's website.
8. During the first 'base period', Ashford received 16 applications for entry onto the register. This means that by October 2019 the authority will need to issue permissions for 16 serviced plots of land to satisfy this demand. We are now in the second 'base period', but during the first eight months we have received 67 applications for entry on the register. The current requirement, therefore, would be to issue permissions for 83 serviced plots of land by October 2020 to satisfy this demand.
9. The demand in the second 'base period' is significantly increased. To provide for the anticipated need, Policy HOU6 of the draft Local Plan to 2030 will require that 5 percent of dwelling plots for development of 40 dwellings or more in the urban area or 20 dwellings or more in the rural area will support self and custom build development.
10. Demand for self and custom housebuilding will continue to be monitored. A number of additional questions are asked of applicants upon registration, including preferences for a particular location within the borough, type of housing required, and envisaged timescale for delivery. This information assists in better being able to match applicants with available plots, and to ascertain likelihood of delivery. Meanwhile, a schedule of available serviced and permitted plots for self and custom build will also be assembled, although there is no such formal requirement for this.

Proposed Fee

11. The aim of the SCBR is ostensibly for the Local Planning Authority to ascertain the level of latent demand in its area for this type of housing. The mechanisms built in to the system compel the local authority to ensure that those admitted to the register are catered for in terms of permissions granted. This has resulted in an additional burden on officers and the establishment of a procedure and system for administration of the SCBR.
12. The regulations allow for the local authority to set fees for admission to the register on a cost recovery basis. A fee can also be charged annually for those wishing to remain on the register. **It is proposed that a fee of £30 should be charged for initial entry onto the register, and that an annual renewal fee of £15 should be charged on 31st October for the 'base**

period' 2017-18. This fee will be reviewed on an annual basis, and the Council would reserve the right to alter the fee to take account of variations in administrative burden.

13. It is intended that the fee will serve to cover officer administrative time, and additionally to ensure that those entered onto the register will have a real drive to build once an appropriate planning permission is issued.
14. The level of the fee charged is comparable to that charged by those other local authorities that have introduced the fee – including Guildford, Basingstoke, Mole Valley and Daventry – and accord with the current regulations regarding the charging of fees in relation to the SCBR.

Implications and Risk Assessment

15. The introduction of the requirement to keep a SCBR has introduced an ongoing administrative burden on local authorities which, as guidance allows, may be covered by charging applicants this discretionary fee for entry to and remaining on the register.
16. Following the end of each 'base period', the local planning authority has a period of three years to provide sufficient serviced plots with planning permission to meet the number of entries onto the SCBR during that period.
17. One of the biggest risks at the moment is that delivery of any serviced plots could be highly reliant on public land.

Equalities Impact Assessment

18. Members are referred to the attached Assessment. The recommendations emerging from this report have no differential impact on those with protected characteristics beyond the statutory requirements that any applicant to the SCBR must be aged 18 or over and be a national of the UK, EEA or Switzerland.

Other Options Considered

Local connections test and a financial resources test

19. The Self and Custom Housebuilding legislation enables relevant authorities to include up to two optional local eligibility tests. These are limited to a local connection test and a financial solvency test. However, guidance states that use of one or both of these tests should only occur when there is a strong justification for doing so. Use should be proportionate and, in the case of the former, should be introduced in response to "a recognised local issue", howsoever defined.
20. A local authority may also set a criterion whereby only individuals who can demonstrate that they will have sufficient resources to purchase land for their own self-build and custom housebuilding will be eligible. This criterion is applied by Islington, which requires as evidence, the following:

- a) An offer for a self-build mortgage from a verifiable lender (for example, a Member of the Council of Mortgage Lenders);
- b) Written confirmation and evidence from a qualified financial advisor, of sufficient available funds;
- c) Any other information which demonstrates that the applicant has sufficient funds to purchase land.

Reasons for Supporting Option Recommended

21. At present, the majority of those entered onto the SCBR are currently resident within the borough. Only a minority currently reside in other parts of Kent and further afield. Therefore at this time it is not proposed that a local connections test is appropriate, but this does not preclude its introduction in the future if required.
22. Likewise, given the potential difficulties of obtaining a mortgage at the early stages of the self-build process, before a plot of land has been identified, it is considered that a mortgage offer should not be a consideration for entry onto the SCBR. In the future, however, a method of processing criteria b) and c) detailed in paragraph 20 (above) may be considered appropriate.
23. At this time, it is considered necessary only that the administrative burden of the SCBR should be covered by those wishing to seek entry.

Next Steps in Process

24. If Members give approval for the collection of fees – a key decision - charging would begin from the commencement of the next 'base period' on 31st October 2017.
25. On this date, all new entrants to the SCBR would be required to pay £30 as a condition of their entry. Also on this date, contact would be made with all those already on the SCBR advising them of the need for a payment of £15 to remain on the register until October 2018. Contact would need to be made in any case since the LPA must periodically reconfirm the wish of an entrant to remain on the register.

Conclusion

26. The introduction of the requirement to keep a SCBR has introduced an ongoing administrative burden on local authorities which, as guidance allows, may be covered by charging applicants this discretionary fee for entry to and remaining on the register.
27. This is a key decision. It is important that this decision is made prior to 31st October 2017 since this marks the beginning of a new 'base period' for calculating need for plots.

Portfolio Holder's Views

28. *"The Self and Custom Build Register has shown us how much local interest there is for innovative housing delivery in the borough. In order to ensure we*

are able to process applications to the register effectively, I support the charging of a nominal administrative fee in line with government regulations and with other local authorities.”

Contact and Email

29. Matthew Nouch, Policy Planner - matthew.nouch@ashford.gov.uk

Legal Implications

Section 1 of the Self-build and Custom Housebuilding Act 2015 requires relevant authorities (defined in that section) to keep and publicise a register of individuals and associations of individuals who are seeking to acquire a serviced plot of land in the authority's area in order to build houses for those individuals to occupy as homes. The Schedule to that Act provides for regulations to make provision in relation to those registers. The Self-build and Custom Housebuilding (Register) Regulations 2016 (SI 2016/105) came into force on 1st April 2016.

Section 2A of the 2015 Act (inserted by the Housing and Planning Act 2016) requires those authorities to grant development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in their area. Section 2A(3) provides that regulations must specify the time in which such development permissions must be granted.

Paragraph 6 of the Schedule to the 2015 Act permits regulations to provide for the payment of fees in connection with the functions of relevant authorities maintaining the register required by section 1 and complying with the duty imposed by section 2A.

Section 4 of the 2015 Act provides for regulations made under section 2A(3) of and paragraph 6 of the Schedule to, that Act to be by affirmative resolution procedure.

Data protection

Section 1(1) of the Data Protection Act defines 'personal data' as data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of the data controller; and it includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

'Sensitive personal data' is defined in section 2 of the Data Protection Act as personal data consisting of information relating to the data subject with regard to racial or ethnic origin; political opinions; religious beliefs or other beliefs of a similar nature; trade union membership; physical or mental health or condition; sexual life; the commission or alleged commission by the data subject of any offence; or any proceedings for any offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.

- encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
 - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
 - The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
 - The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
 - The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
 - It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
 - A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
 - A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:
- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
 - Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Matthew Nouch
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<ul style="list-style-type: none"> • Agree that a fee may be charged for entry onto the Self and Custom Build Register (SCBR), and for renewal on an annual basis, to fully cover the Council's reasonable costs. • Agree the fee amounts for the 'base period' 2017-18 are set at £30 for initial entry onto the register, and £15 annual renewal fee.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	12 th October 2017
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The requirement to maintain a Self and Custom Build Register (SCBR), introduced in April 2016, while useful in determining demand for this product, has resulted in an additional administrative requirement for the Local Authority. This has not only been in terms of registering applicants, but also trying to match these applicants to available land, and to ensure sufficient planning permissions are granted for the numbers contained in the register.</p> <p>The government's SCBR regulations allow local authorities to charge a discretionary fee to cover administrative costs, in addition to the requirement that all applicants are over the age of 18 and are nationals of the UK, EEA or Switzerland. The level of this fee has been determined locally, but is comparable with those authorities that have already introduced charging.</p> <p>This proposal will affect all those applying to be added to the Ashford SCBR, and those wishing to renew their application on the register beginning in the 'base period' 2017/18.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>The current SCBR regulations allow local authorities to add additional eligibility criteria for entrance onto their register. These include the charging for an entry and renewal fee; the establishment of a local connections test; and a financial resources test. The present proposal only proposes the charging of an entry and renewal fee for the administration of the register.</p> <p>Other local authorities, both within Kent and nationally, charge this fee at a level comparable with that proposed here.</p>
Consultation: <ul style="list-style-type: none"> • What specific consultation has 	No consultation is required for this proposal; rather it is an issue of resourcing and finance.

<p>occurred on this decision?</p> <ul style="list-style-type: none"> • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	NONE	NEUTRAL
Middle age	NONE	NEUTRAL
Young adult	NONE	NEUTRAL
Children	NONE	NEUTRAL
<u>DISABILITY</u> Physical	NONE	NEUTRAL
Mental	NONE	NEUTRAL
Sensory	NONE	NEUTRAL
<u>GENDER RE- ASSIGNMENT</u>	NONE	NEUTRAL
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	NONE	NEUTRAL
<u>PREGNANCY/MATERNITY</u>	NONE	NEUTRAL
<u>RACE</u>	NONE	NEUTRAL
<u>RELIGION OR BELIEF</u>	NONE	NEUTRAL
<u>SEX</u>	NONE	NEUTRAL

Men		
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's <u>Essential Guide</u> , alongside fuller <u>PSED Technical Guidance</u> .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	YES
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	YES
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	YES

Conclusion:	
<ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Due regard has been given to the Council's equality duty, but the establishment of this fee does not differentially benefit or harm any of the protected groups.</p> <p>It is already acknowledged that the SCBR legislation restricts entry onto the register to those aged 18 or over (therefore children are excluded), and to British, EEA or Swiss citizens.</p> <p>The monitoring of numbers of entries to the Ashford SCBR is an indicator required to be submitted to DCLG on an annual basis.</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
EIA completion date:	18 th September 2017

Agenda Item No: 11
Report To **CABINET**
Date of Meeting: 12th October 2017
Report Title: Business Continuity Policy
Report Author & Job Title: Laurel Niven
Resilience Team Leader
Portfolio Holder Cllr. G.J. Bradford
Portfolio Holder for: Health, Parking and Community Safety



Summary: The purpose of this report is to present to Cabinet the Ashford Borough Council's Business Continuity Policy for adoption.

The Policy highlights the roles and responsibilities for Business Continuity as part of the Civil Contingencies Act 2004.

Key Decision: No

Significantly Affected Wards: None

Recommendations: **The Cabinet is recommended to review and adopt the Ashford Borough Council Business Continuity Policy.**

Policy Overview: The Council has a statutory duty under the Civil Contingencies Act 2004 to have in place Business Continuity plans to ensure all public services within the Council continue to deliver a service following an incident or disruption. Such as ICT failure, staff storage or loss of the building.

The Policy as presented will guide Elected Members and Officers in their Business Continuity roles and responsibilities. The Policy sets out the Council's commitment to Business Continuity.

Financial Implications: While there are no direct financial implications relevant to the policy, there are clearly costs associated with preparing for a Business Continuity incident. The requirement for any additional expenditure will be addressed within future budget monitoring reports and included where necessary within service budgets.

Legal Implications The Policy confirms and identifies individual roles and responsibilities for Business Continuity throughout the organisation and during Business Continuity incidents.

Equalities Impact Assessment See attached

Other Material Implications: None

Exempt from Publication: No

Background Papers: None

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Report Title: **Business Continuity Policy**

Introduction and Background

1. The Business Continuity Policy as presented by this report sits alongside the Council's Overarching Business Continuity Plan and individual Service Business Continuity Plans. Its primary aim is to demonstrate the Council's commitment to ensuring robust and effective Business continuity management as a key mechanism to restore and deliver continuity of key services in the event of a disruption or emergency.
2. The purpose of this report is to present to Cabinet the draft Ashford Borough Council's Business Continuity Policy for adoption.
3. The Policy, as presented at Appendix 1, highlights the individual roles and responsibilities within the organisation to ensure that those with responsibilities act in accordance with Business Continuity Plans and assists in ensuring an appropriate response during Business Continuity incidents.
4. The Council has a statutory duty under the Civil Contingencies Act 2004 to have in place Business Continuity Plans to ensure all services within the Council continue to deliver a service following an incident or disruption.
5. The Policy will guide Elected Members and Officers of the Council on their Business Continuity roles and responsibilities.

Proposal/Current Position

6. The Council currently has individual Service Business Continuity Plans and an Overarching Business Continuity Plan that would be actioned in the event of an incident or event.
7. The adoption of a Policy is recognised as best practice and provides the assurance and links between the various operational documents in place. It clearly set out the Council's commitment to Business Continuity as well as making clear individual responsibilities.
8. The Policy includes the following elements:
 - Identifies objectives, scope and policy management;
 - Identifies key roles;
 - Identifies responsibilities;
 - Addresses policy awareness; and
 - Review arrangements.
9. The Chief Executive is appointed as having overall responsibility for the Policy with oversight being provided by members. The Policy is linked to the Council's overall strategic objectives and Strategic Risk Management arrangements.

Other key roles are those of the Directors, Heads of Service and Resilience Team Leader. A Strategic Business Continuity Group is to be established to ensure the Policy is followed and necessary arrangements implemented. This group will have a role in sign off arrangements to deal with the most significant risks to the Council. They will have an important role to play in the event of an incident when they become the Business Continuity Incident Management Team.

10. The Policy sets out a commitment for each service delivery process within the Council to be owned by a respective manager who will ensure that their part of the overall BCP meets a minimum acceptable standard of service delivery for critical processes.
11. Critically, the Policy provides a commitment to training and exercises in order to ensure that staff retain Business Continuity competence and have an opportunity to test the arrangements they have in place.

Implications and Risk Assessment

12. Under the Civil Contingences Act 2004, the Council has a duty to ensure that there are robust Business Continuity Plans in place. By having an agreed policy it reduce's the risk on the organisation by ensuring Members and Officers understand their role and the expectations placed upon them in respects of Business Continuity planning for the Council.
13. By planning now rather than waiting for it to happen, we can get back to normal business in the quickest possible time. This is essential to those who rely on the Council's services and it helps our community retain its confidence in us. Planning ahead provides a clear direction with more support for staff handling the situation with a reduced potential for financial loss.
14. An important element of the Policy is to embed Business Continuity Management within the Council's culture. Training and education is an ongoing task but awareness and capability is a product of the structures put in place and the way we manage our Business Continuity processes. Key aspects for Business Continuity are understanding our organisation, determining appropriate Business Continuity arrangements, developing and implementing a response, and exercising, maintaining and reviewing our processes.
15. There are no immediate financial implications associated with adoption of the Policy as presented. Activation of the Business Continuity Plan may result in the need for expenditure (currently unquantified). Adoption of the Policy is the start of compliance with the Business Continuity requirements. Work is ongoing to develop the necessary service plans and identification of contingency arrangements.
16. The Business Continuity process may highlight and identify areas of vulnerability and these may have a financial implication as to rectify or reduce the risks/vulnerability may result in some financial purchase/investment.

Equalities Impact Assessment

17. There are no identified impacts on protected characteristics or groups.
18. Please see attached the Equalities Impact Assessment.

Consultation Planned or Undertaken

19. This is an internal policy document and therefore no public consultation is required. There is however a need to work closely with our tenants in order to ensure that the Council's Business Continuity arrangements are complementary to their own situation. This will be undertaken as part of the review of Service Business Continuity Plans.
20. To ensure that best practice and learning outcomes are shared across the County feedback from all Business Continuity incidents faced by Ashford Borough Council and all Local Authorities across Kent are fed into the Kent Resilience Forum.

Other Options Considered

21. Ensuring that we have robust Business Continuity arrangements is fundamental to the Council's operation. The development of a Business Continuity Policy is, however, only recommended as good practice. It is not therefore a requirement to have such a policy although clearly this would not be a sensible option.

Reasons for Supporting Option Recommended

22. It is proposed to have a clear policy in order to support the role and aims of Business Continuity. This addresses and reduces the risk for the Council should there be a major incident that requires the Business Continuity Plans to be activated to maintain/resume the delivery of all services.

Next Steps in Process

23. Once agreed the Policy will be uploaded to and made available to all members and Officers to view on the intranet and members of the public via the Council's website.
24. The Policy will support Officers in the delivery of individual Service Business Continuity Plans and the Overarching Business Continuity Plan for Ashford Borough Council. Officers from the Resilience Team will be able to utilise the content of the Policy to direct Officers within the council with reference to their roles, and in ensuring that adequate plans are in place for Business Continuity incidents.

Conclusion

25. Adoption of the Policy provides a clear direction and shows the commitment by the Council in ensuring public services continue to be provided following a major incident.
26. The policy provides reassurance for all stakeholders by clearly stating the roles and responsibilities of Members and individual Officers for Business Continuity
27. Importantly, the adoption of the policy will ensure that Ashford Borough Council meets its statutory and non-statutory requirements under the criteria of the Civil Contingencies Act 2004,

Portfolio Holder's Views

28. I believe an adopted Policy for Business Continuity is necessary to provide clear guidance to those Officers when continuing to provide services following a major incident. In addition, this provides reassurance to the public that Ashford Borough Council has plans in place in such circumstances.

Councillor G.J. Bradford

Contact and Email

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Ashford Borough Council

Business Continuity Management Policy

Document Owner	Laurel Niven Resilience Team Leader
Version	
Approved	

Contents

- 1.0 Introduction
- 2.0 Policy Objectives
- 3.0 Policy Scope
- 4.0 Policy Statement
- 5.0 Policy Management
- 6.0 Roles & Responsibilities
- 7.0 Policy Awareness
- 8.0 Review of Policy
- 9.0 Supporting Documentation

Signed _____

Tracey Kerly, Chief Executive

Date _____

Signed _____

Councillor Clarkson, Leader

Date _____

1.0 Introduction

1.1 Business Continuity Management is defined as:

‘a process that identifies potential threats to an organisation ... the impacts to business operations that those threats, if realised, might cause, and which provides a framework for building organisational resilience with ... effective response that safeguards the interests of its key stakeholders...’¹

1.2 Under the Civil Contingencies Act 2004 Ashford Borough Council (subsequently referred to as the Council) has a statutory duty to:

- a) Put in place Business Continuity management arrangements; and
- b) Promote Business Continuity management to businesses in Ashford.

1.3 This Policy therefore sets out the key principles that ensure the Council has effective Business Continuity Management processes in place to meet its legislative and regulatory obligations.

2.0 Policy Objectives

2.1 The objectives of this Policy are to:

- a) Outline the Council’s commitment and approach to Business Continuity Management;
- b) Ensure legislative and regulatory compliance;
- c) Maintain robust plans and arrangements that ensure the Council is able to manage effectively incidents or emergencies that threaten to disrupt delivery of its critical services;
- d) Minimise risk to the Council, its partners and stakeholders; and
- e) Provide effective governance arrangements to ensure appropriate ownership and oversight of the implementation and effectiveness of this Policy.

3.0 Policy Scope

3.1 This Policy applies to all services for which the Council has responsibility for delivery including services delivered ‘in-house’, outsourced, contracted, shared or commissioned services.

¹ British Standards Institute (BSI) - BS25999: Business Continuity Management

3.2 This Policy applies to:

- a) Permanent employees;
- a) Temporary / contract employees employed or engaged by the Council;
- b) Workers / volunteers employed or engaged by the Council; and
- c) Employees of partner or subsidiary organisations whilst at work and / or engaged on Council business.

4.0 Policy Statement

4.1 Vision

4.1.1 We will promote safer, stronger communities and provide better quality of services in Ashford by maintaining professional and effective Business Continuity Management processes.

4.2 Values

4.2.1 The values underpinning this vision are:

- a) Protecting health, safety, quality of life and economic stability & growth;
- b) Building and maintaining partnerships and collaborations across Ashford, including community, industry, public and voluntary sectors in all aspects of Business Continuity Management; and
- c) Ensuring accountability and transparency of the Council's Business Continuity Management arrangements.

4.3 General Principles

4.3.1 This Policy is underpinned by the following general principles:

- a) A transparent, systematic and consistent approach to Business Continuity Management;
- b) Communication is clear and effective and Business Continuity plans are written in Plain English;
- c) Consultative decision making;
- d) Prepared services and Officers who understand their role in responding to an incident or emergency that threatens to disrupt critical services;
- e) Business Continuity Management arrangements are regularly tested, exercised and maintained; and

- f) The application of effective corporate governance and commitment to continuous improvement of this Business Continuity Management Policy and its supporting arrangements, practices and service delivery.

4.4 Commitment

- 4.4.1 The Council will comply with all relevant legislation and statutory codes of practice and respond appropriately to regulatory or legislative change.
- 4.4.2 The Council accepts its responsibilities to continue to provide services to the citizens of Ashford (even in the event of incidents and emergencies) and acknowledges that many of these services are critical to health and quality of life within Ashford.
- 4.4.3 The Council is committed to ensuring critical services will continue to be delivered and that increased demand for services due to incidents or emergencies are managed effectively;
- 4.4.4 The Council will adopt and promote best practice for Business Continuity Management, minimising the impact of disruptive incidents on the Council and the communities of Ashford.
- 4.4.5 The Council is committed to working closely with all Officers to develop and implement Business Continuity arrangements that ensure the Council is able to manage effectively incidents or emergencies that threaten to disrupt delivery of its critical services.
- 4.4.6 The Council will provide information, instruction, training and supervision for employees to help them understand their role in its Business Continuity Management arrangements and to allow them to contribute positively towards those arrangements.
- 4.4.7 The Council is committed to the effective management of 3rd party contracts and their performance to improve Business Continuity Management arrangements with, and on behalf of, the Council.

5.0 Policy Management

- 5.1 This Policy will be managed by the Resilience Team Leader in partnership with Services, and Directors across Ashford Borough Council.
- 5.2 The Policy will be supported by:
 - a) An Overarching Business Continuity Plan (underpinned by Service level Business Continuity Plans);
 - b) Appropriately resourced action plans;

- c) Guidance, tools and templates; and
 - d) A schedule of training & exercising.
- 5.3 To ensure continuous improvement, all documents will be 'living documents', regularly reviewed & updated and take into account internal and external changes that may affect their implementation.

6.0 Roles & Responsibilities

6.1. Elected Members

- 6.1.1 The Portfolio Holder for Health Parking and Community Safety, which encompasses Emergency Planning, Business Continuity and Event Safety, oversees the work of the Service in managing the Borough Councils focus on Business Continuity.
- 6.1.2 Individual Cabinet Members have responsibility for overseeing the implementation of this Policy across their respective portfolios, specifically ensuring:
- a) Legislative and regulatory compliance;
 - b) Decisions taken when developing Council policies and services reflect the Council's commitment to Business Continuity Management; and
 - c) Effectiveness of the Policy across all the Council's services and its administrative area.
- 6.1.3 To support Cabinet in this role, an annual progress report on Business Continuity Management will be submitted to the Audit Committee as part of its wider Strategic Risk Management process. Regular reports will be provided to the Council's Management Team.

6.2. Chief Executive and Directors

- 6.2.1 Whilst Elected Members retain responsibility for overseeing this Policy, the Council's Chief Executive has the overall responsibility for achieving this Business Continuity Policy and accounts to the elected members for the operations of the Council complying with all Civil Contingencies legislation and standards.
- 6.2.2 The Chief Executive is responsible for ensuring that all statutory requirements are adhered to, and for reviewing the effectiveness of this policy. The Chief Executive will:
- a) Attend the Business Continuity Steering Group;
 - b) Ensure members of the Corporate Management Team establish and demonstrate commitment to the Business Continuity Policy.

- c) Promote a positive preparedness and resilience culture embracing and encouraging positive attitudes amongst all Officers and in the interface with other agencies and the community.
- d) Ensure appropriate priority is given to Business Continuity in Council strategic planning.
- e) Ensure that Business Continuity performance is reviewed annually and at other times when necessary.
- f) Ensure that Business Continuity arrangements are included in the business planning process, other strategic plans and job descriptions and objectives as appropriate.

6.2.2 Individual Directors are responsible for operational implementation within their respective Directorates. They will:

- a) Ensure this Policy, procedures and guidance are followed within the Directorate and implemented for which they are operationally responsible;
- b) Ensure appropriate priority and resources are made available for fulfilling the Council's commitment to Business Continuity Management;
- c) Ensure that Business Continuity Management responsibilities within their Division are properly assigned and fulfilled and that job descriptions reflect these assignments;
- d) Ensure Business Continuity Management arrangements are reflected adequately in Divisional, Service & Unit level business / operating plans.
- e) Implement, according to the agreed plans and processes, Business Continuity plans in the event of a disruption.
- f) Promote a positive Business Continuity Management culture embracing and encouraging positive attitudes amongst all Officers, through partnerships and in all areas affecting the community; and
- g) Ensure an appropriate response is made during incidents and emergencies that threaten to disrupt critical services.

6.3 Business Continuity Steering Group

6.3.1 The principle purpose of this group is to bring together the Chief Executive, named Directors and Heads of Services to oversee the Council's Business Continuity arrangements. They are able to review performance and make recommendations to change this Policy.

6.4. Head of Health, Parking and Community Safety

6.4.1 The Head of Health, Parking & Community Safety whose service has line management responsibility for the Business & Emergency Planning Team will:

- a) Advise and brief the Management Team to assure the achievement of the Council's commitment to Business Continuity Management; and
- b) Provide professional and specialist advice, support and guidance to Elected Members and Officers.

6.5. Heads of Service

6.5.1 Heads of Service are responsible for the provision of services. They will ensure that their service is prepared to deal with rapid increase in demand for services and to deal with incidents and emergencies that will impact performance of their Service. This will be reflected in relevant performance management processes. Heads of Service will:

- a) Promote a Business Continuity Management culture within their service, encouraging activities that develop the resilience of the unit and requiring consideration of Business Continuity Management in the provision of their services;
- b) Ensure their Service's needs and obligations are reflected in their service Business Continuity plans.
- c) Adopt and implement corporate Business Continuity Management guides, plans and procedures;
- d) Ensure Business Continuity responsibilities within the Service are properly assigned, fulfilled and that job descriptions reflect these responsibilities;
- e) Ensure all Officers in their Service are aware of Business Continuity Management issues that may impact on their service delivery;
- f) Ensure that instruction, training and supervision are provided to their Officers appropriate to their role and responsibility.
- g) Participate in Business Impact Analysis and performance review to assist in the development of an annual plan to address Business Continuity issues, including resourcing;
- h) Activate Business Continuity Plans for their Service in the event of an incident or emergency;
- i) Support all Directors and other Heads of Service by providing competent advice and efficient and timely service where a Service's operational effectiveness is critical to the effective delivery of other critical services in the Council e.g. ICT; and

- j) Make recommendations regarding the overall progress of Business Continuity Management and Emergency Planning within the Council.

6.6. Resilience Team Leader

- a) Maintain this Policy, and ensure the most up-to-date version is available to all Officers;
- b) Develop and manage the Council's Business Continuity Management arrangements;
- c) Ensure that adequate arrangements are made for consultation with Officers, including representatives and unions;
- d) Ensure necessary support is in place to enable officers to develop and test their Business Continuity arrangements;
- e) Ensure adequate testing is being undertaken to ensure the validation of the Council's service plans and overarching Business Continuity Plan; and
- f) Maintain the Council's Overarching Business Continuity Plan and, in consultation with Management Team, be responsible for implementing this plan in the event of an incident or emergency.

6.7. Team Leaders

6.7.1 Managers will be responsible for the implementation of Business Continuity Management processes. They will:

- a) Promote a Business Continuity Management culture within their Teams, encouraging activities that develop the resilience and requiring consideration of Business Continuity Management in the provision of their services; and
- b) Support their relevant Heads of Service in implementing their Business Continuity Plans for their Service, Unit or Team.

6.8. Individual Employees

6.8.1 Individual employees must:

- a) Be aware of the Business Continuity Management responsibilities of the Council and their own Service, Unit or Team;
- b) Understand their own role within an incident or emergency;
- c) Promote preparedness and a resilient culture within their own Service, Unit or Team; and
- d) Assist in any Business Continuity incident or emergency.

6.9. Business Continuity Incident Management Team

6.9.1 The principle purpose of this group is to bring together the Chief Executive, Directors and Heads of Services to support key services within the Council (i.e. HR, Communications, IT, Finance), during a time of response so that information and issues relating to incidents and emergencies can be shared and appropriate measures for increasing resilience agreed.

6.10 Service Business Continuity Teams

6.10.1 The principle purpose of the Service Business Continuity Team is to ensure appropriate actions are undertaken at service level in order to get services and units back up and running in an acceptable period. This group comprises of the Strategic Lead i.e. the Head of Service and Team Leaders plus any others with key knowledge of the services critical activities.

7.0 Policy Awareness

7.1 This Policy will be communicated through multiple channels:

- a) Cabinet;
- b) Management Team;
- c) Audit Committee; and
- d) Made available on the intranet.

8.0 Policy Review

8.1 This Policy will be reviewed annually. It will be amended, if necessary, to take into account new legal requirements, non-statutory guidance from central government and implementation of relevant industry standards.

9.0 Supporting Documentation

9.1 Information, advice & guidance can be found on the intranet under Services > Emergency Planning and Business Continuity > Business Continuity or by contacting the Resilience Team Leader on:

Email: laurel.niven@ashford.gov.uk

Tel: 01233 330271

Agenda Item No: 12
Report To: Cabinet
Date of Meeting: 12 October 2017
Report Title: 100% Business Rates Retention – Bid for Pilot Status
Report Author & Job Title: Ben Lockwood
Director Finance and the Economy
Portfolio Holder Cllr. Shorter
Portfolio Holder for: Finance & IT



Summary: Government has announced that it is seeking bids from areas to pilot 100% Business Rates Retention. Kent as a two tier shire county which includes a unitary Authority would be an excellent area for government to pilot this scheme and provide an opportunity for Kent Authorities to shape the direction of this policy. In addition Pilot status would secure additional resources for Local Authorities within a Kent Pilot area that could be used to address key priority areas.

Key Decision: No

Significantly Affected Wards: None Specifically

Recommendations: **The Cabinet is recommended to:-**

- I. To Delegate authority to Chief Executive and Director of Finance and Economy in conjunction with the Leader and Portfolio Holder to agree a bid proposal.**

Policy Overview: Government has a policy to move towards 100% Business Rates retention but since the election this seems to have slipped down the governments priorities.

Government is still keen to develop the system and needs to extend the number of pilots to cover a more diverse area than the existing pilots that are primarily Metropolitan areas. Kent as a shire district would make it an attractive area for pilot status allowing understand how pilot status could work in a rural area.

Financial Implications: The pilot bid would insure that the Council would be no worse off than it would be under the existing pooling arrangement but would seek to secure the share of business rates paid to government for redistribution to other areas for

	the county. It is modelled that this would be £25m for the entire county.
Legal Implications	None
Equalities Impact Assessment	Not Required
Other Material Implications:	None
Exempt from Publication:	
Background Papers:	N/A
Contact:	Ben.lockwood@ashford.gov.uk – Tel: (01233) 330540

Report Title: 100% Business Rates Retention – Bid for Pilot Status

Introduction and Background

1. The previous Government was working towards the transition to 100% business rates retention where local authorities would keep all of the business rates raised, but in return a number of other funding streams (Revenue Support Grant, etc.) would be rolled into this funding stream. There would also need to be a system that redistributed Business Rates from areas with high resources to areas with greater need. This policy was omitted from the Queens speech earlier this year and whilst this seems to remain an aspiration for both Government and Local Authorities the process on consulting upon and establishing the legislative framework seems to have been suspended.
2. Despite this Government says it remains committed to the agenda and has requested pilot bids from areas wishing to trial 100% rates retention to allow government to gather information on the design of a prospective system. In particular government are keen to receive bids from 2 tier rural areas as there are clearly areas for them to consider when designing any retention scheme.
3. Government have sought bids from areas for pilot status by 27th October 2017 and therefore there is some urgency in determining whether there a Kent wide bid can be agreed in time. Given that this was not in the Queens speech the view of LG Futures (the councils funding advisors) is that if Pilot Status were to be achieved this would be a fast track to maintaining pilot status for 2-3 years, and therefore it would be a reasonable assumption that the gains that could be made could be retained for 3 years.
4. The 'no detriment' clause applied to 2017/18 Pilots may or may not apply for 2018/19 Pilots, and the government wishes authorities to identify if they would proceed with an application in the absence of the 'no detriment' clause.
5. There will be a Safety Net set at 97% and no levy will be paid. The current safety net figure is at 92.5% so this represents a low risk to pilot areas.
6. The evaluation criteria include a focus on:
 - a. Two tier / Rural / Functional economic areas
 - b. Proposals using additional resources to promote financial stability and economic development
7. This report seeks approval from Members for the Council to support a County wide proposal for a 100% Business Rates Retention Pilot for 2018/19

Current Position

8. Currently Kent has a business rates pool, which has all Kent Authorities, with the exception of Dover, Sevenoaks and Medway as members. The pool currently shares any gain (the value of the reduced levy) with 30% being

retained by the District Council, 30% for the County Council and 30% allocated for economic development. The balance is earmark for risk management and has recently been used to support a pool member in a safety net position.

9. Overall the pool has been very successful for its members securing gains with the 50% local share for 2017/18 forecast to be over £22m with Government also benefiting by £22m. Currently 10 out of 12 pool members are benefiting by at least £0.5m above the governments base line.
10. The pool has experienced some difficulty in agreeing the application of the monies for economic development, the process of identifying and agreeing the use of these monies has been difficult and lessons from this should be incorporated into any pilot bid.
11. Government has asked that any pilot bid includes a statement of what would happen in the event that pilot status is not achieved. In this case the existing pool could be continued either in its current form.

Proposal

12. Kent Authorities have been working with LG Futures to assess whether a bid for pilot status should be submitted. The proposal is to submit a Kent wide bid for pilot status including all district councils, Kent County Council Medway Council and the Fire Authority.
13. Any pilot bid would look to ensure that every authority was at least £500,000 better off than the baseline.
14. The focus of a pilot bid is to ensure that the estimated £25m of business rates income that is currently paid to government is retained in the County to enhance public services. It is proposed that the gains be earmarked to fund initiatives within the following areas:
 - a. To ensure that no authority is worse off in the pilot than it would be under the current regime
 - b. Housing Development and the prevention of Homelessness
 - c. Economic development and regeneration, including transportation and infrastructure.
 - d. Social care, including disabled adaptations.
15. For simplicity, it is proposed that after the first item, the additional resources be allocated evenly over these areas.
16. As the pilot is only guaranteed for 1 year the sustainability of any projects funded through this route will need to be considered, with each area of focus linking into either generating future revenues through growing taxbase or business rates or reducing costs such as homelessness, or social care pressures.
17. Government is keen for Pilot bids to inform the design of any final scheme, therefore they are looking for bids from two tier areas and areas of a rural

nature. Kent meet both of these criteria and if a bid can be developed which includes Medway Council this would add a unitary authority to the scheme and potentially make the pilot more attractive.

18. It must be remembered that a Kent Pilot is potentially very expensive for government, so the make up of the pilot must offer government the chance to learn about the delivery of 100% rates retention. The County is very typical of a shire district, contains two tiers of government, has a unitary and Fire Authority and an economic development area. In addition the Kent wide pool shows that there is a history of cooperation within the County for the management of Business Rates with operating governance frameworks that can be built upon and increase the likelihood of a successful pilot for government.

Implications and Risk Assessment

19. Without the no detriment clause, it is possible for the pilot area to make a loss. Whilst business rates revenues are volatile (including the 2017/18 forecasts), the material gains made in 2015/16 and 2016/17 do provide strong evidence that the future years' forecasts are not unreasonable.
20. The Current system has the Safety Net set at 92.5%, with the pilot there will be a Safety Net set at 97%, and this will apply pilot wide and not to individual authorities. This means that before the Safety Net comes into effect councils currently stand to lose 7.5% of their income, this is lowered to 3% reducing the risk of financial loss to the pilot authorities.
21. No levy will be paid on business rates generated over the baseline. Currently the majority of Kent Authorities are at or above the base line and pay a levy. The pool is an effective tool for reducing the levy payable, and the pilot will further reduce this risk.
22. The main risks are therefore not the potential financial loss but instead the risks relating to the Pilot process and the potential financial gains that could be made:
 - a. That the Kent authorities are unable to agree on a joint proposal to be submitted or one authority opts out;
 - b. Kent submits an application to be a Pilot but it is not selected – it is expected that there will be competition to be a Pilot and that the number of authorities selected is limited and a Kent pilot would be expensive to government. The application should therefore be made attractive to DCLG to mitigate this risk.

Equalities Impact Assessment

23. Not applicable, the bid deals with piloting business rates retention and will not affect any group. We will need to consider whether any distribution methodology would need to have a screening tool completed.

Other Options Considered

24. Do nothing – this is an option that the Kent Pool continues to operate and authorities continue to pay a reduced levy. However if this were the preferred option the governments share of business rates growth would continue to be paid to government and redistributed out of the county. The Pilot bid provides an opportunity to keep that resource within Kent.

Reasons for Supporting Option Recommended

25. The Pilot bid would be structured in a way that members are no worse off than they would be within the Kent Business Rates pool. Whilst the Government has removed the no detriment clause from pilots the County already has a track record of pooling and managing the risk and the additional resources secured through 100% retention would be used to ensure that this position is maintained.
26. The Pilot status would mean that the amount of income that a council would lose before the safety net is triggered will fall from 7.5% to 3%. Reducing the funding risk of the council.
27. The purpose of the bid would be to grow the resources available to the Public Sector in Kent, the modelling suggests this would be by an estimated £25m per annum.

Next Steps in Process

28. The proposal has been discussed by both Kent Chief Executives and Kent Leaders groups and are supportive of the proposal. To achieve this all Kent Authorities are seeking approval from their October committee meetings to submit a bid.
29. Cabinet is asked to Delegate authority to Chief Executive and Director of Finance and Economy to agree a bid proposal.
30. To commission LG Futures to produce the bid for a countywide pilot. .

Conclusion

31. The pilot bid is a way to secure additional resources for Kent residents, and this can be done in a way that manages and reduces the risks that the council has currently accepted by pooling business rates.
32. A Kent Pilot would be good for Kent Authorities and provide an opportunity for Government to learn about the issues facing two tier shire districts within the rates retention policy.

Portfolio Holder's Views

33. To be given at the meeting

Contact and Email

Ben Lockwood – ben.lockwood@ashford.gov.uk

Agenda Item No: 13
Report To: CABINET
Date: 12TH OCTOBER 2017



Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN

Report Author and Job Title: Danny Sheppard, Senior Member Services Officer

Portfolio Holder: Portfolio Holders are individually specified in the attached Schedule.

Summary:	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
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Key Decision: NO

Significantly Affected Wards: Where appropriate, individual Wards are indicated.

Recommendations That the Cabinet receive and note the latest Schedule of Key Decisions.

Policy Overview: Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

Financial Implications: Nil

Legal Implications: n/a

Equalities Impact Assessment n/a

Other Material Implications: Nil

Exempt from publication: No

Background None

Papers:

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**CABINET
SCHEDULE OF KEY DECISIONS TO BE TAKEN**

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Neil Bell; Clair Bell; Mike Bennett; Gareth Bradford; Paul Clokie; Graham Galpin; Alan Pickering; Neil Shorter; and Gerald White.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at www.ashford.gov.uk/councillors_and_committees.aspx

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
12th October 2017					
Taxi Licensing Policy – Response to Consultation	<i>To agree to the adoption of a finalised version of the 'Taxi Licensing Policy 2017-2022</i>	Cllr Bradford	Trevor Ford	Open	15/6/17
Ashford Heritage Strategy – Adoption following Consultation	<i>To ask Members to recommend the final Ashford Heritage Strategy for adoption by the Council, and to grant delegated authority to the Head of Planning Policy to agree final formatting and minor editing of the Strategy prior to publication.</i>	Cllr Bennett	Matthew Nouch	Open	15/6/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Disabled Facilities Grant	<i>To ask Cabinet to approve the proposal of a dedicated OT within the department for an initial 6 months, after which there will be a review and assessment of whether an extension of a further 12 months is required. (£23,500). A one off increase in capital funding for 2017/18 is also recommended.</i>	Cllr White	Sharon Williams	Open	18/5/17
Self and Custom Build Register – Charging of Fees	<i>To recommend that a fee is charged for entry onto the Self and Custom Build Register to fully cover the Council's reasonable costs. Cabinet will also be asked to grant delegated authority to the Head of Planning Policy to establish the fee amount for initial entry onto the register, and the amount of the annual renewal fee. These fees would be reviewed on an annual basis, with the Council reserving the right to alter these to take account of variations in administrative burden.</i>	Cllr Clokie	Matthew Nouch	Open	9/8/17
Business Continuity Policy	<i>To present a new policy for approval.</i>	Cllr Bradford	Jo Fox	Open	17/8/17
9th November 2017					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Nicholas Clayton-Peck	Open	11/11/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	11/11/16
Mid Kent Joint Waste Partnership; Ashford's progress	<i>To review the current contract position and make recommendations for the forward provision of non-statutory services.</i>	Cllr Mrs Bell	Tracey Butler	Open	18/7/17
Playing Pitch and Sports Facilities Strategies (2017 – 2030)	<i>To seek adoption of the draft strategies and following public consultation.</i>	Cllr Bennett	Len Mayatt	Open	20/4/17
Open Spaces Strategy – Response to Consultation	<i>Sign off is now required for the final document following consultation. Following the results of the consultation officers have made minor updates to the document.</i>	Cllr Bennett	Christina Fuller	Open	15/6/17
Digital Transformation Strategy	<i>To set out a proposed strategy to deliver improved digital services with customers at the centre of the service design.</i>	Cllr Pickering	Michelle Pecci	Open	17/8/17
Commercialisation of Garages	<i>To propose a commercialisation strategy for the management of garages. The strategy will propose how the Council ensure that garages and surrounding land are managed effectively and efficiently thereby contributing to the built environment, maximising income for the Council and providing a valuable resource for the public.</i>	Cllr Galpin	Paul McKenner	Open	17/8/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Primary Authority Partnerships	<i>Primary Authority Partnerships are legal agreements between a regulator and businesses which can offer improved compliance and raised standards to the benefit of the business, the local authority and those protected by the regulation. The agreement relates to areas commonly referred to as environmental health and licensing.</i>	Cllr Bradford	Linda Golightly	Open	18/8/17
Commercial Investment Strategy	<i>To obtain Cabinet approval to the proposed Real Estate Investment Strategy.</i>	Cllr Galpin	Stewart Smith	Open (Exempt Appendix)	18/5/17
The Armed Forces Covenant	<i>To provide a summary of the development of the Armed Forces Community Covenant (now the Armed Forces Covenant), since the Council's signing in 2014, summarises the current structure and outlines an action plan for improving communication with the Armed Forces Community and delivering the aims of the Covenant going forward.</i>	Cllr Clarkson	Will Train	Open	18/9/17
7th December 2017					
Draft Budget 2018/19	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.</i>	Cllr Shorter	Ben Lockwood	Open	9/12/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Council Tax Base	<i>To present for approval the estimated 2018/19 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.</i>	Cllr Shorter	Ben Lockwood	Open	9/12/16
Housing Revenue Account (HRA) Business Plan 2016 – 2046	<i>An annual update of the HRA Business Plan financial projections. This report updates the position for the period 2016-46.</i>	Cllr White	Sharon Williams	Open	9/12/16
Homeless Reduction Strategy		Cllr White	Rebecca Wilcox	Open	15/6/17
Chilmington Community Development Strategy		Cllr Clokie	SallyAnne Logan	Open	31/8/17
Discretionary Business Rates Relief Scheme		Cllr Shorter	Ben Lockwood	Open	14/9/17
Ashford College Update	<i>To update members on the progress made by Ashford College, both in terms of the new campus developments as well as improvements to the curriculum offer.</i>	Cllr Clarkson	Andrew Osborne	Open	2/8/17
Tenterden Leisure Centre Redevelopment Plans		Cllr Bennett	Ben Moyle	Open	21/9/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Submission Version of Ashford Borough Local Plan 2030		Cllr Clokie	Simon Cole	Open	21/9/17
11th January 2018					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Purcell	Open (Exempt Appendix)	13/1/17
8th February 2018					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	10/2/17
Revenue Budget 2018/19	<i>To present the draft revenue budget for 2018/19 to the Cabinet for recommendation to Council.</i>	Cllr Shorter	Ben Lockwood	Open	10/2/17
Corporate Performance Report	<i>The report seeks to give members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Shorter	Nicholas Clayton-Peck	Open	10/2/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Annual Report of Work Undertaken on Domestic Abuse and to Support Victims of Domestic Abuse	<i>Sets out for comment the progress the Council and its partners are making on projects focusing on domestic abuse over the past 12 months.</i>	Cllr Bradford	James Hann/Elizabeth Mannington	Open	10/2/17
Cemetery Memorial Safety Policy	<i>Report back on adoption of policy and set of operational guidelines to manage the forward process relating to the safe management of memorials in Ashford.</i>	Cllr Mrs Bell	Tracey Butler	Open	26/2/16
SWAN Centre Pavilion	<i>To seek authority to proceed with a project to replace the outdated and inadequate football changing facilities at the Swan Centre in South Willesborough and replace them with new fit for purpose facilities by working with the local community football club and Kent County Football Association.</i>	Cllr Bennett	Len Mayatt	Open	15/6/17
8th March 2018					
Annual Pay Policy Statement	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance</i>	Cllr Pickering	Michelle Pecci	Open	10/3/17
Leisure Procurement		Cllr Bennett	Christina Fuller	Open	21/9/17
12th April 2018					

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
10th May 2018					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	12/5/17
14th June 2018					
Final Outturn 2017/18	<i>Final budget outturn for previous financial year.</i>	Cllr Shorter	Ben Lockwood	Open	16/6/17
Annual Report and Quarter 4 Performance Report 2017/18	<i>The Annual Report will build upon the contents of quarterly performance monitoring, but will also include the following information – An Introduction from the Leader and Chief Executive; Facts and figures about Ashford; Timeline of key achievements in the Borough over the calendar year; Borough achievements; and a Financial Summary.</i>	Cllrs Clarkson/ Shorter	Nicholas Clayton-Peck	Open	16/6/17
Section 106 Agreements – Annual Progress Report	<i>Focus on s106 contributions received in the last year, contributions secured in new agreements and projects that have been supported by s106 funding</i>	Cllr Clokie	Lois Jarrett	Open	16/6/17
12th July 2018					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Purcell	Open (Exempt Appendix)	14/7/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Town Centre Annual Report		Cllr Galpin	Jo Wynn-Carter	Open	14/7/17
9th August 2018					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Nicholas Clayton-Peck	Open	11/8/17
Corporate Commercial Property – Annual Report	<i>To advise of the revenue performance of the Council's corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.</i>	Cllr Shorter	Stewart Smith	Open	11/8/17
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	11/8/17
13th September 2018					

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22/9/17