



## Cabinet

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,  
Ashford, Kent TN23 1PL on Thursday, 11<sup>th</sup> January 2018 at 7.00 pm.

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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 Environment and 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

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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 7<sup>th</sup> December 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**

None for this meeting

## **Part III – Ordinary Decision Items - Key Decisions Annotated\***

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| 6. | *Revenues and Benefits – Recommended Write-Offs Schedule                            | 1-3&60-69 |
| 7. | Singleton Environment Centre – Lease with Great Chart with Singleton Parish Council | 4-17      |
| 8. | * Homeless Reduction Act 2017   | 18-40     |

## **Part IV – Information/Monitoring Items**

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| 9.  | Trading and Enterprise Board – Minutes of 4 <sup>th</sup> December 2017              | 41-43 |
| 10. | Economic Regeneration and Investment Board – Notes of 21 <sup>st</sup> November 2017 | 44-46 |
| 11. | Local Plan and Planning Policy Task Group – Notes of 22 <sup>nd</sup> November 2017  | 47-49 |
| 12. | Schedule of Key Decisions  | 50-59 |
| 13. | Items for Future Meetings  |       |

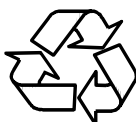
## **Part V – Cabinet Member Reports**

None for this Meeting

## **Part VI – Ordinary Decision Items**

None for this Meeting

DS/AEH  
3<sup>rd</sup> January 2018



**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](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 **7<sup>th</sup> December 2017**.

### **Present:**

Cllr. Clarkson (Chairman);  
Cllr. Bell (Vice-Chairman);

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

### **Apologies:**

Cllrs. Burgess, Chilton, Galpin, Hicks, Knowles

### **Also Present:**

Cllrs. Barrett, Buchanan, Dehnel, Mrs Dyer, Howard-Smith, Link, Miss Martin, Ovenden, Smith, Wedgbury.

Chief Executive, Director of Law and Governance, Director of Place and Space, Director of Finance and Economy, Head of Corporate Policy, Economic Development and Communications, Head of Health, Parking and Community Safety, Head of Housing, Head of Planning and Development, Interim Head of Finance, Health, Parking and Community Safety Manager (JF), Chilmington Community Management Organisation Project Manager, Economic Development Manager, Policy Manager, Principal Solicitor (Strategic Development), Senior Accountant (JS), Senior Accountant (LF), Senior Accountant (MH), Communications Officer, Senior Member Services Officer.

At the commencement of the meeting the Chairman advised of a change of order to that contained within the Agenda.

## **259 Declarations of Interest**

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Clarkson	Declared an Other Significant Interest as a Director of A Better Choice for Property Limited and would leave the meeting for the debate and vote on this item.	277
Chief Executive	Declared an Other Significant Interest as a Director of A Better Choice for Property Limited and would leave the meeting for the debate and vote on this item.	277

Interim Head of  
Finance

Declared an Other Significant Interest as a  
Director of A Better Choice for Property Limited  
and would leave the meeting for the debate  
and vote on this item.

277

## **260 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of the Cabinet held on the 9<sup>th</sup> November 2017 be approved and confirmed as a correct record.**

## **261 Leader's Announcements**

The Leader advised that he had recently made some further changes to the Deputy Portfolio Holders and would like to bring these to Members' attention this evening. Councillor Andrew Buchanan had moved to Deputy Portfolio Holder for Culture, a position which had been vacant and Councillor Mrs Jenny Webb had replaced Cllr Buchanan as Deputy Portfolio Holder for Health, Parking and Community Safety.

## **262 Submission Version of the Ashford Borough Local Plan 2030**

The Portfolio Holder introduced the report which asked Cabinet to approve the final submission version of the Local Plan to 2030 and recommend that Full Council approves the submission of the Plan for public examination. He wanted to thank all of those involved in getting the Plan to this stage and all of the residents who had been involved in the extensive consultation that had taken place. With this Plan in place, and M20 Junction 10a now getting the go ahead, Ashford would be able to fulfil its five year land supply and be in a better position to protect itself against unscrupulous and speculative development. He endorsed the recommendations.

In accordance with Procedure Rule 9.3 Mr Tomkins, Chairman of Brook Parish Council spoke on this item. He said he wanted to thank Ashford Borough Council Members for their help and support over the years, but he said that he could not understand why they were now proposing to build on a site in their village which was in an Area of Outstanding Natural Beauty and one that had been previously rejected as unsuitable for development. The reasons remained: - the village was a ribbon or linear development and there was no backfilling in Brook as this particular site would be; drainage and sewerage was an issue in Brook and more households would make the problem worse; Brook had no public transport and KCC appeared to be withdrawing support for the Dial A Bus service; and the roads were already busy and dangerous and there was a huge parking problem at picking up and dropping off time at the local school – if there was to be development in the village perhaps a car park for the school should be considered. Furthermore, the village had no infrastructure, public services or shops. People in the village understood the need for growth in the Borough, but at no time had anyone from the Planning Department engaged with people in the village and asked them what they wanted. The Council appeared to have excluded Bonnington from development because it would be affected by nearby development in Aldington, and he asked them to do the same for Brook as it would already be affected by proposed development in Wye and close to the William Harvey

Hospital. For those reasons, he asked for Brook to be removed from the Plan and for the impacts on smaller villages and rural communities to be further considered.

The Leader responded that the Council did understand the concerns of the villages. The Plan going forward was the result of over four years of work and they had been at pains to ensure that as much development as possible took place on brownfield sites. They had been out to public consultation on two occasions and there would be another opportunity for the public to raise their concerns at the Examination in Public with the Planning Inspector. They were talking about relatively modest numbers of new housing in the area (10 dwellings in Brook and 30 in Aldington) and if approved, this would protect against far larger numbers potentially coming forward from predatory developers. Further to questions about the Examination in Public process, it was explained that the Inspector would consider all representations previously made and could invite individuals to address the Examination at his discretion.

One of the Ward Members for Saxon Shore said that she accepted it was difficult to make changes to the Plan at this late stage, but Members needed to accept that there were concerns and whilst they may only be talking about relatively small numbers of additional dwellings, this was on top of over-delivering with significant numbers in the previous plan and represented numbers that could surely be absorbed within existing brownfield sites. People in her Ward did feel let down and that promises had not been kept. They understood the Council's need to deliver housing, but the concern was a lack of discussion with them and that comments made in the public consultation had not been taken account of. She also referred to Policy HOU1 and asked if social rented accommodation should be restricted to the urban areas, rather than rural villages with limited services and if conditions could potentially be put on planning applications to control HGV traffic on rural roads.

The Leader said he would refute the suggestion that promises had not been kept. With the housing situation as it was, the Council had not been in a position to make promises of any kind. The Portfolio Holder said that villages did have to grow from time to time to avoid stagnation. With regard to affordable housing, he said that there were already a large number within the urban area and there was a feeling that some should be provided in the villages. This had been the result of much discussion over the years.

The Deputy Leader said that as a rural Councillor he very much supported and welcomed the Local Plan. As previously mentioned, the Plan was actually the best protection that could be afforded to the villages and any alternative would potentially be far worse.

#### **Resolved:**

- That**
- (i) the schedule of responses to the public consultation on the proposed 'Main Changes' to the Regulation 19 draft Local Plan to 2030 (published in July 2017), as attached as Appendix 2 to the report, be approved.**
  - (ii) the proposed further minor amendments to the Regulation 19 version of the Local Plan to 2030, as set out in Appendix 3 to the report, be agreed.**

**Recommended:**

- That**
- (i) the Council authorise the Head of Planning and Development to submit the Local Plan to 2030, attached as Appendix 1 to the report (and as amended by the further minor amendments at Appendix 3 to the report), to the Secretary of State for independent public examination.**
  - (ii) the Council grant delegated authority to the Head of Planning and Development to: -**
    - (a) make any further modifications he considers necessary or desirable before or during the Examination.**
    - (b) ask the Inspector to recommend modifications to the draft Local Plan under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, if such modifications are considered necessary to make the Plan sound and/or compliant with legal requirements; and,**
    - (c) take any action he deems necessary to progress the draft Local Plan through the examination process.**

## **263 Overview and Scrutiny Committee – Housing Framework Annual Report**

The report presented recommendations from the Overview and Scrutiny Committee following its consideration of the Housing Framework Annual Report. The Portfolio Holder for Housing advised that the recommendations were duly noted, but he considered they were already firmly part of the Service's thinking and plans.

The Leader advised that the Council had previously examined credit unions and decided not to promote them at this time, although this position would be kept under review.

In response to a question about modular housing, the Portfolio Holder advised that whilst it was too early to go public on the details, they were currently examining and financially modelling a scheme as a means to accelerate the delivery of lower cost housing for key workers.

**Resolved:**

- That**
- (i) the report be noted and formally published on the Council's website.**
  - (ii) the Overview and Scrutiny Committee's request for Officer research into the following areas be noted and (resource permitting) taken forward: -**
    - (a) The viability of schemes to encourage capital investment into social housing provision by landlords.**

- (b) The viability of modular housing homes as a means to accelerate the delivery of less costly social housing.**
- (c) The viability of self-build as an additional housing delivery option.**
- (d) The role and promotion of credit unions operating in the Borough.**

## **264 Draft Budget 2018/19**

The report presented the draft budget for 2018/19 for the General Fund and the Housing Revenue Account. The Portfolio Holder advised that the report was the culmination of a significant amount of work, which he thanked Officers for, and would now go forward for scrutiny via the Overview and Scrutiny Committee and budget consultation. The proposals had been predicated on decisions made some four years ago to take a more commercial approach and provide income streams for the Council, in response to reducing Government grant. In the New Year the Cabinet would be looking to extend the Commercial Investment Strategy and further proposals would come forward at that time.

The Leader said that over the last ten years this Council had delivered a balanced budget year on year and continued to deliver the lowest Council Tax in Kent and one of the lowest in the Country. This was at the same time as being one of the financially soundest Local Authorities in the Country and delivering on this Administration's pledges which included not only maintaining services, but enhancing them.

### **Recommended:**

- That**
- (i) the budget context be noted.**
  - (ii) the draft budget for 2018/19 be approved.**
  - (iii) the draft Housing Revenue Account budget for 2018/19 be approved.**
  - (iv) the report be used as the basis for budget consultation with the public, the business community, Parish Councils and staff.**
  - (v) the draft budget as set out in the report be submitted to the Overview and Scrutiny Committee's Budget Task Group for formal scrutiny.**
  - (vi) an increase to the long-term empty homes premium for Council Tax from 50% to 100% be approved.**

## **265 Council Tax Base 2018/19**

The report advised that the Council was required to approve the tax base used to calculate the level of Council Tax for 2018/19. The tax base had been calculated at



45,680 Band D properties, an increase of 1008 (or 2.26%) on the current year. The Portfolio Holder also directed Members attention to references to the Council Tax Support Scheme.

**Recommended:**

- That**
- (i) the 2018/19 'net' tax base of 45,680 Band D equivalent properties be agreed.**
  - (ii) the distribution across parished areas of the proposed grant to Parish Councils to help compensate for the negative impact caused by the Council Tax Support Scheme on Parish Council's tax bases (Appendix D to the report totalling £40,900 refers) be agreed.**
  - (iii) the possibility of further Cabinet and Council decisions being required before the end of January, should any material change in the tax base be required as a consequence of any further relevant funding announcements from Government, be noted.**

**DELIBERATELY LEFT BLANK**

**TAX BASE 2018/19**  
**LOCAL TAX BASE (WHOLE/PART AREAS)**

LOCAL TAX BASE  2017/18	WHOLE AREA	BAND D EQUIVALENT	NEW OCCUPATIONS	0.75% PROVISION	Less discounts Council Tax Support	LOCAL TAX BASE  2018/19
		48,719	658.00	(337)	(4,368)	44,672
	PARISH					
594	Aldington & Bonnington	652	17	(6)	(56)	607
339	Appledore	384	3	(3)	(46)	338
702	Bethersden	774	7	(7)	(68)	706
1,096	Biddenden	1,186	22	(11)	(88)	1,109
146	Bilsington	155	1	(1)	(11)	144
1,067	Boughton Aluph and Eastwell	1,117	2	(11)	(66)	1,042
597	Brabourne	618	2	(6)	(24)	590
155	Brook	157	8	(2)	(2)	161
453	Challock	460	43	(5)	(12)	486
1,306	Charing	1,421	24	(13)	(149)	1,283
746	Chilham	818	18	(8)	(75)	753
93	Crundale (PM)	94	0	(1)	(1)	92
501	Egerton	523	14	(5)	(27)	505
173	Godmersham	176	0	(2)	(5)	169
2,415	Great Chart with Singleton	2,629	47	(24)	(227)	2,425
114	Hastingleigh	120	0	(1)	(7)	112
716	High Halden	790	15	(7)	(64)	734
264	Hothfield	327	21	(3)	(75)	270
107	Kenardington	117	4	(1)	(12)	108
4,435	Kingsnorth	4,625	4	(44)	(244)	4,341
129	Little Chart	132	2	(1)	(3)	130
740	Mersham and Sevington	859	19	(8)	(41)	829
108	Molash	119	0	(1)	(10)	108
102	Newenden	108	0	(1)	(6)	101
597	Orlestone	649	0	(6)	(58)	585
476	Pluckley	513	21	(5)	(43)	486
681	Rolvenden	731	30	(7)	(68)	686
335	Ruckinge	350	5	(3)	(17)	335
543	Shadoxhurst	559	23	(5)	(38)	539
641	Smarden	669	34	(7)	(43)	653
360	Smeeth	398	4	(4)	(36)	362
777	Stanhope	1,043	0	(8)	(284)	751
202	Stone	224	0	(2)	(20)	202
3,534	Tenterden (TC)	3,767	177	(36)	(315)	3,593
175	Warehorne	179	1	(2)	(6)	172
325	Westwell	344	1	(3)	(16)	326
529	Wittersham	584	3	(5)	(56)	526
835	Woodchurch	904	17	(9)	(66)	846
1,025	Wye with Hinxhill	1,125	26	(10)	(113)	1,028
16,539	Unparished Area	18,789	1,268	(175)	(2,435)	17,447
<b>44,672</b>		<b>49,189</b>	<b>1,883</b>	<b>(459)</b>	<b>(4,933)</b>	<b>45,680</b>

## **266 Housing Revenue Account (HRA) Business Plan 2017-2047**

The report provided an annual update on the financial projections associated with the HRA Business Plan. The Portfolio Holder thanked Officers for their hard work in putting the plan together and advised that it appeared the bid to the DCLG for an increase in the HRA debt cap had been unsuccessful at this time. He advised that the Council would bid again in 2019, when it was considered there was a higher chance of success.

### **Resolved:**

- That**
- (i) the updated HRA Business Plan and financial projections be agreed.**
  - (ii) it be noted that the Overview and Scrutiny Committee was required to review the HRA Business Plan financial projections as part of the budget scrutiny process.**

## **267 Chilmington Green Community Development Strategy**

The Portfolio Holder for Culture introduced the report which advised that adoption of the strategy would enable an early approach to educating, engaging and empowering new residents and the growing population of Chilmington Green and set a framework for community development activity for a wide range of delivery partners. Houses would begin to be built next year and it was about creating a living community, above and beyond a traditional housing estate and producing something truly innovative for the South East of England. It would also place management control firmly in the hands of residents. Substantial community consultation had taken place, with the Strategy amended to reflect this. This was the culmination of three years of hard work and thanks were given to the Project Manager and all those individuals involved.

### **Resolved:**

**That the consultation and its outcomes be noted and the approach be endorsed.**

### **Recommended:**

- That**
- (i) the Early Community Development Strategy for Chilmington Green be adopted.**
  - (ii) the Director of Place and Space, in consultation with relevant Directors, be authorised to put in place a legal contract with the Chilmington Green Community Management Organisation, to lead and co-ordinate delivery of community development action, using as appropriate the relevant Section 106 contribution.**

## **268 Discretionary Business Rates Relief Scheme**

The Portfolio Holder introduced the report which presented an amended Discretionary Business Rates Relief Scheme, in response to the consultation on the criteria of the scheme and detailed financial modelling. This was a fully funded scheme for the next three years and honouring the pledge to support local businesses made back in 2015.

The Leader said that the proposals were indicative of the notice taken of consultation feedback by this Council.

**Resolved:**

**That the amended scheme as outlined in the report be adopted.**

## **269 East Kent Growth Framework 2017 - 2027**

The report summarised the East Kent Growth Framework 2017 – 2027, as prepared for the East Kent Growth Board by Litchfields, alongside an Officer Working Group from the six East Kent Local Authorities. This was an important piece of strategic work, updating the 2013 East Kent Growth Plan and setting out an overarching strategic approach for identifying investment priorities to achieve long term economic growth across East Kent for the next ten years. The Leader directed attention to two important projects in particular – M20 Junction 10A and the Ashford International Station Signalling, which were taking place in the Borough, but were vital for the development of East Kent as a whole.

**Resolved:**

- That**
- (i) the contents of the East Kent Growth Framework and associated documents be noted.**
  - (ii) the East Kent Growth Framework be endorsed as the strategic document setting out the key investment priorities for the growth of East Kent.**

## **270 Short Stay Accommodation**

The report advised that the purchase of 112 Beaver Road had been approved in May 2017 and a capital budget was now sought to convert the property into the Council's second short stay accommodation facility. This was following the successful development of Christchurch House for a similar purpose.

The Leader said that success of Christchurch House as an innovative scheme, which had actually saved the tax payer money against Bed and Breakfast costs, had been widely recognised. It also meant that this proposal made sense as well as being something to be proud of. A Member agreed and said that the facility would also provide a significantly safer option for families than being placed in Bed and Breakfast accommodation.

**Recommended:**

**That a capital budget of £500,000 be allocated to enable conversion works at 112 Beaver Road, to create a short stay accommodation facility.**

## **271 Smoke Free Civic and Stour Centre Grounds**

The Portfolio Holder introduced the report which sought Cabinet's support for the introduction of a trial scheme to promote the Civic and Stour Centre as smoke-free grounds. This formed part of the Ashford Health and Wellbeing Board's work programme which was helping to create a healthy environment for the Borough's residents, visitors and employees. It supported both the Council's and Stour Centre's wellbeing initiatives. He advised that in a recent consultation 70% of respondents were fully in favour of the proposals.

**Resolved:**

**That the introduction of a trial scheme to promote the Civic and Stour Centre as smoke free grounds be supported.**

## **272 Trading and Enterprise Board – 6<sup>th</sup> November 2017**

**Resolved:**

**That the Minutes of the meeting of the Trading and Enterprise Board held on the 6<sup>th</sup> November 2017 be received and noted.**

## **273 Ashford Strategic Delivery Board – 27<sup>th</sup> October 2017**

**Resolved:**

**That the notes of the meeting of the Ashford Strategic Delivery Board held on the 27<sup>th</sup> October 2017 be received and noted.**

## **274 Local Plan and Planning Policy Task Group – 3<sup>rd</sup> November 2017**

**Resolved:**

**That the notes of the meeting of the Local Plan and Planning Policy Task Group held on the 3<sup>rd</sup> November 2017 be received and noted.**

## **275 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.**

## **276 Exclusion of the Public**

### **Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item as it is likely 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.**

## **277 Victoria Quarter Development (Jemmett Road)**

The Vice-Chairman directed Members attention to the tabled paper which updated the Cabinet following consideration of this report by the Trading and Enterprise Board on the 4<sup>th</sup> December 2017. He also thanked those individuals who had worked so hard to bring these proposals forward for the Property Company.

### **Recommended:**

- That**
- (i) the outline Business Case for the proposed development as detailed in the report be approved.**
  - (ii) the Council delegate responsibility to the Head of Legal and Democracy and Director of Finance and Economy, in consultation with the Portfolio Holder for Finance and IT and the Deputy Leader, for signing off the final business case and making available to the Company the necessary funds for the proposed development.**
  - (iii) the Council delegate authority to the Head of Legal and Democracy and Director of Finance and Economy, to draft and enter into the loan agreements between Ashford Borough Council and A Better Choice for Property Limited.**

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Queries concerning these Minutes? Please contact Danny Sheppard:  
Telephone: 01233 330349 Email: [danny.sheppard@ashford.gov.uk](mailto:danny.sheppard@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

**Agenda Item No:** 6

**Report To:** CABINET

**Date:** 11 JANUARY 2018

**Report Title:** Revenues & Benefits Recommended  
Write-Offs Schedule

**Report Author:** Peter Purcell – Revenues & Benefits Manager

**Portfolio Holder:** Cllr Shorter, Portfolio Holder for Finance, Budget & Resource  
Management



<b>Summary:</b>	This report proposes the formal write off of 491 debts totalling £391,454.75. The proposals are in line with the Council's Revenues & Benefits Service Write Off Policy. Existing bad debt provisions already more than cover the sums involved.
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**Key Decision:** No

**Affected Wards:** None

**Recommendations :** **The Cabinet be asked to:-**

- 1. Note the action that accounts totalling £63,506.67 have been written off under the delegated powers (Financial Regulations 11.1)**
- 2. Approve the write offs listed in the Exempt Appendices totalling £327,948.08.**

**Policy Overview:** The regular review and writing off of un-collectable debts is part of strong financial management.

**Financial Implications:** None – provision for bad debts has been made in the final accounts.

**Risk Assessment** No

**Exemption Clauses** **The Exempt Appendix is Not for Publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972**

**Contacts** peter.purcell@ashford.gov.uk

## **Purpose of the Report**

1. To advise Members of debts written-off and obtain approval to write off further individual debts of over £1,000.00 listed in the Exempt Appendices.

## **Issues to be Decided**

2. To agree the write off of uncollectable debts.

## **Background**

3. The write offs being recommended are in accordance with the Revenues & Benefits Service Write Off Policy that was approved by the Executive Committee on 20 March 2003. Over recent years, due to the economic climate there has been a significant increase in NNDR (Business Rates) write offs, the majority of these relate to companies that have ceased trading.

## **Write Offs**

4. Details of the write-offs being recommended are listed in the Exempt Appendices to this report and are summarised along with the debts written off under delegated powers by the Director of Finance & Economy as below:

	Value of debts written off under delegated powers £	Value of debts recommended for write off (see attached appendices) £	Provision for Bad Debts at 1.4.17 £	Provision for Bad Debts Balance (Current) £	Value of outstanding Debt at 1.4.17 £
Council Tax	16,534	27,897	1,142,277	1,097,846	3,771,498
NNDR	1,157(cr)	208,866	260,807	53,098	1,075,376
HB overpaymts	10,072	36,782	1,258,759	1,211,905	3,146,898
Sundry Debtors	10,155	2,701	118,499	105,643	537,241
Housing Rents	27,903	51,702	620,484	540,879	665,755
<b>TOTAL</b>	<b>63,507</b>	<b>327,948</b>	<b>3,400,826</b>	<b>3,009,371</b>	<b>9,196,768</b>



5. The write offs do not have an immediate financial effect on the current year's budget as the bad debt provision is greater than the write-off total. However, the making of that provision did have a cost implication at the time the provision was made; those being sundry debtors at full cost, council tax approximately 10% cost (90% financed by Kent County Council, Police and Crime Commissioner of Kent & Kent Fire Authority), housing benefit overpayments 60% cost due to existing subsidy arrangements and NNDR 40% (50% financed by the Government and 10% by Kent County Council). The Housing accounts are provided for in full in the Housing Revenue Account.
6. Under delegated powers (Financial Regulations 1.1) the Director of Finance & Economy has written off 116 Council Tax accounts (£16,534.33), 29 NNDR accounts (£1,157.31cr ), 36 Housing Benefit Overpayment accounts (£10,072.32), 32 Sundry Debtor accounts (£10,155.38) and 202 Housing Revenue Accounts (£27,901.95).

### **Other Options Considered**

7. In most cases a number of methods of collection were attempted before the debt was recommended for write off.

### **Consultation**

8. Director of Finance & Economy and Cllr N Shorter Portfolio Holder.

### **Implications Assessment**

9. The financial implications are given above.

### **Handling**

10. Debts to be written off are considered on an on-going basis and reported to Committee regularly.

### **Conclusion**

11. The Service's Write Off policy has been followed and in many cases a number of methods of recovery followed before the debts have been recommended for write off.

### **Portfolio Holder's Views**

12. This is one of a regular series of reports to Cabinet showing recent write-offs from bad debts over £1,000.00. The total amount of £391,454.75 (which includes all debts over and under £1,000.00) is a significant amount however this should be considered in the context that £130m of debt is raised each financial year and the amount written off each year is less than half of one percent.

Contact:	Peter Purcell
Email:	<a href="mailto:Peter.Purcell@ashford.gov.uk">Peter.Purcell@ashford.gov.uk</a>

**Agenda Item No:** 7

**Report To:** Cabinet

**Date of Meeting:** 11th January 2018

**Report Title:** **Singleton Environment Centre - *Lease with Great Chart with Singleton Parish Council***

**Report Author & Job Title:** Ben Moyle, Facility Development Manager

**Portfolio Holder** Cllr. Mike Bennett  
**Portfolio Holder for:** Culture, Leisure, Environment and Heritage

**Summary:** The British Trust for Conservation Volunteers (TCV) have exercised the break clause in their lease to manage Singleton Environment Centre and will vacate on 10<sup>th</sup> March 2018. Great Chart with Singleton Parish Council (GCSPC) wish to enter into a lease with the Council and intend to form a Trust to run the Centre in the future and continue its good work as a quality community facility with an environmental focus.

**Key Decision:** Yes

**Significantly Affected Wards:** Borough wide

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

- I. Grant a lease of 25 years to Great Chart with Singleton Parish Council from 11<sup>th</sup> March 2018, including break clauses in favour of landlord and tenant after 3 years, and to enable them to form a Trust to take over management of Singleton Environment Centre;**
- II. Allocate up to £10,000 of subsidy to support the Great Chart with Singleton Parish Council where a deficit in the first year is unavoidable due to a delay in rate relief being granted to a voluntary management entity;**
- III. Authorise the Head of Culture in conjunction with the Head of Legal and Democracy and Head of Corporate Property and Projects to agree terms and complete all necessary agreements, lease and documentation to give effect to the above recommendations.**

**Policy Overview:**

**Financial Implications:** A key risk, is being unable to recruit suitably qualified volunteers for the new management entity/Trust, which may

mean that the Great Chart with Singleton Parish Council (GCSPC) will have to pay the rates for longer than originally anticipated. However, they have already secured three people who will act as trustees and have a good track record of running other facilities. The GCSPC has requested the Council enter into an agreement to underwrite up to 6 months of the value of rates (circa £10,000) should there be delays in setting up the management entity (caused by Charity Commission administrative detail or suchlike) which has a detrimental impact on the first end of year accounts.

<b>Legal Implications</b>	A new lease is required between Ashford Borough Council and the new tenant, being GCSPC and Heads of Terms are attached as Appendix A. A management agreement will be required between the GCSPC and the new management entity and GCSPC would welcome support from Ashford Borough Council in providing such documentation.
<b>Equalities Impact Assessment</b>	See Attached
<b>Other Material Implications:</b>	Continued support from key officers for the Trust and Parish Council
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	
<b>Contact:</b>	<u><a href="mailto:Ben.Moyle@ashford.gov.uk">Ben.Moyle@ashford.gov.uk</a></u> – Tel: (01233) 330475

**Report Title: Singleton Environment Centre - *Lease with Great Chart with Singleton Parish Council***

**Introduction and Background**

1. In 2008 The British Trust for Conservation Volunteers, (now TCV) agreed a lease of the Singleton Environment Centre on a peppercorn rent for 25 years and also entered into a Partnership Agreement with the Council. The agreement was linked to a 3 year annual funding contribution of £20,000. When this funding came to an end TCV replaced it with a number of grants, the largest being the HLF Kent Heritage Trees Project.
2. Once this project ended in 2016, TCV found it increasingly difficult to find replacement funding and in January 2017 gave notice of their intention to terminate the lease for the Singleton Environment Centre on the 10<sup>th</sup> March 2018, being the 10<sup>th</sup> anniversary of their lease and first available break clause.
3. The permitted use of the centre (Lease and Partnership Agreement) sets out a requirement for the 'Use of the premises and the centre for environmental, educational, arts and cultural based activities; public and community uses (such as parties, meetings and conferences), environmental and commercial businesses and associated health fitness and recreational uses and the education and training of people in those activities and as a licensed wedding venue'.
4. Since its opening the Centre has become a focal point of the local community providing a hub for volunteering; a broad range of community events such as health walks and woodland task days; Footprints café which is a great asset in the heart of the community and; a strong focal point on environmental issues and nature conservation within a developing community, that will continue to grow in the coming years.

**Proposal/Current Position**

5. The Great Chart with Singleton Parish Council (GCSPC) wishes to see the centre remain a community facility with an environmental focus and has confirmed their wish to work with the Council to achieve those aims and build on the existing usage of the facility. They are extremely keen to develop a range of family and community focused activities as well as developing the commerciality of the site.
6. Their draft Business Plan contains ideas for seventeen new and developing activities ranging from educational activities aimed at Brownies, Cubs, Beavers & Rainbows to family orientated photography, art & craft courses and even greater involvement from local schools and environmental awareness projects.

7. Given the timescale involved it is proposed that a lease for 25 years is entered into between the Council and the GCSPC with a view in the short term (within three months of entering into the lease) that a management Trust or CIC entity would run and operate the centre.
8. The draft Heads of Terms for the lease (attached as Appendix A) include exclusion from the security of tenure provisions of Part II of the Landlord & Tenant Act 1954, a peppercorn rent and break clauses after 3 years in favour of the Tenant and Landlord, a further break clause at 10 years.

## **Business Plan**

9. Officers have been presented with a robust draft business plan for the Centre from the GCSPC which includes taking on the current centre manager who is extremely enthusiastic about his role and the opportunities for taking the centre forward. It is proposed his post will transfer to the Parish Council under TUPE regulations.
10. The GCSPC wish to develop the business and income generating possibilities during the transition from TCV to the new management body and have ambitions to continue a programme of environmental education activity and quality community space for hire. Existing commercial contracts in the building are for Footprints Café and Soothing Pod. Both have indicated a desire to remain in the facility.
11. The GCSPC are currently negotiating with a potential tenant with a view to renting out the main office space on a long term basis, which will significantly aid the financial aims of the Parish Council. The prospective tenants are keen to occupy the space from January 2018 if agreement can be reached in time.
12. The GCSPC has been discussing with suitably qualified volunteers for the new future management entity. If the Council is minded to agree a lease to the GCSPC, which will ensure its continued availability for the community from March 2018, they will endeavour to set up the management body as soon as possible. They have already secured three people to act as management trustees with at least one other individual expressing an interest in joining them. Recruitment of more trustees will continue.
13. The annual rates liability of £20,000 is a sizable commitment to balance the base line thus a voluntary management entity is key to the viability of the Centre. The entity, as the management vehicle, can apply for discretionary rate relief but whilst waiting for the entity to be formed, the GCSPC will have to pay the rates and have requested that the Council consider supporting them in this matter.
14. The GCSPC has requested the Council enter into an agreement to underwrite the first 6 months (circa £10,000) only, should there be an unavoidable delay in setting up the new management entity/Trust which has a detrimental effect on the business plan end of year account.
15. The GCSPC has requested that the Council also consider granting the mandatory and discretionary rate relief to the new locally accountable entity when that body has been formally registered. Hopefully within 3 months of

commencing operations and once a formal application for the appropriate relief has been submitted for consideration.

## **Implications and Risk Assessment**

16. A key risk, is being unable to recruit suitably qualified volunteers for the new future management entity, which may mean that the GCSPC would have to pay the rates longer than anticipated. However, they have already secured three people who will act as trustees with further interest coming from the local community.
17. Should the new management entity fail and GCSPC no longer wish to be involved in being tenant of the centre, the delivery of the permitted use would fall back upon the Council with financial and resource implications.

## **Equalities Impact Assessment**

18. Members are referred to the attached Assessment. The key issues arising are that the proposals under consideration will not have a negative impact on people with protected characteristics.
19. Provision will need to be made to continue providing a community facility for people with different abilities and characteristics.

## **Consultation Planned or Undertaken**

20. Consultations have taken place with the GCSPC, the incumbent Trust Volunteers, potential Trustees, local ward members and current tenants.

## **Options and Reason for Recommendation**

21. The proposed option for operating the facility under what will effectively be “local and active citizenship” is the preferred option as it will place the future of the facility within the heart of the local community and draw upon the existing expertise within Great Chart with Singleton Parish Council.
22. If this option is not entered into, then the operation and associated financial liability for business rates would fall to the Borough Council, placing extra work and financial burdens on the Council.

## **Next Steps in Process**

23. Support GCSPC with the formation of a voluntary management entity and agree all the necessary legal documentation to grant a 25 year lease to the GCSPC to operate the Singleton Environment Centre as a community facility with an environmental focus.
24. Officers will continue to support and monitor the GCSPC business plan and help mitigate against the need for the Council to provide subsidy of up to £10,000 to underpin the management of the centre and in particular the delay

in the new voluntary management entity receiving rate relief (on application) in its first year.

## **Conclusion**

25. Entering into a lease arrangement with GCSPC and a local voluntary management entity enables the Singleton Environment Centre to continue to be available as a community hub and will ensure it is maintained and developed as a quality facility with an environmental focus for the benefit of the residents of Singleton, Brisley Farm, Stanhope and the wider Ashford community.

## **Portfolio Holder's Views**

26. I fully support the approach offered by this report and recommend the Council accepts the recommendations herein.

Cllr Michael Bennett

## **Contact and Email**

Ben Moyle Facility Development Manager. [ben.moyle@ashford.gov.uk](mailto:ben.moyle@ashford.gov.uk)

**DRAFT HEADS OF TERMS**

**SINGLETON ENVIRONMENT CENTRE**

The lease for the Singleton Environment Centre will contain the following provisions:

<b>Landlord</b>	Ashford Borough Council
<b>Tenant</b>	Great Chart with Singleton Parish Council
<b>Premises</b>	The Centre and all additions and improvements made to it, all landlord fixtures and fittings, all pipes, cables, walls, fences and gates forming the boundaries and land shown edged red on the plan.
<b>Term</b>	25 years
<b>Landlord &amp; Tenant Act 1954</b>	The Lease will be excluded from the security of tenure provisions of Part II of the Landlord and Tenant Act 1954.
<b>Break Clause</b>	By the Landlord or Tenant - after the first 3 years and on the 10 <sup>th</sup> anniversary of the term on giving a least one year's written notice
<b>Rent</b>	A peppercorn
<b>Rent Review</b>	N/A
<b>Rates &amp; Utilities</b>	The Tenant will be responsible for all rates, utilities and outgoings
<b>Insurance</b>	The Tenant will pay the insurance premium for ABC insuring the premises. Also the tenant is to effect insurance for public liability, loss/damage to fixtures and fittings and contents
<b>Use</b>	Use of the premises and the Centre for environmental, educational, arts and culture based activities; public and community uses (such as parties, meetings and conferences) environmental and commercial businesses and associated health, fitness and recreational uses and the training and education of people in those activities and as a licensed wedding venue
<b>Assignments &amp; Underlettings</b>	The tenant not to sublet the whole of the premises other than to a charitable Trust incorporated for the purposes consistent with the permitted user, but may sublet or allow to be occupied on licence, part only of the premises within the permitted user with the prior written consent of the landlord.



<b>Repair</b>	<p>The tenant to repair and maintain the premises including the window glass of the Centre and to maintain and replace the Landlord's fixtures and fittings</p> <p>The landlord to repair the structure and exterior of the Centre</p>
<b>Costs</b>	Each party is responsible for its own legal costs in connection with this transaction.
<b>Landlord's Solicitor</b>	Legal Services, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL
<b>Tenant's Solicitor</b>	

# Equality Impact Assessment

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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](#)

<b>Lead officer:</b>	Ben Moyle
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>Policy, project, service, contract</li> <li>Review, change, new, stop</li> </ul>	Singleton Environment Centre - Lease negotiations. Approve 25 year lease to Great Chart with Singleton Parish Council
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	11 <sup>th</sup> January 2018
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>Aims and objectives</li> <li>Key actions</li> <li>Expected outcomes</li> <li>Who will be affected and how?</li> <li>How many people will be affected?</li> </ul>	<p>The British Trust for Conservation Volunteers (TCV) have exercised the break clause in their <del>contract</del><u>lease</u> to manage Singleton Environment Centre and will vacate on 10th March 2018. Great Chart with Singleton Parish Council (GCSPC) intend to form a Trust to run the centre and continue its good works as a community facility with an environmental focus.</p> <p>It is proposed that a lease for 25 years is entered into between the Council and the GCSPC with a view in the short term (within three months of entering into the lease) that a new Trust or CIC entity would be developed and set up to run and operate the centre.</p> <p>Whilst the facility is for the whole of Ashfords local residents from Brisley Park, Singleton and Stanhope benefit from the Centre being within their community.</p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>Outline the information and research that has informed the decision.</li> <li>Include sources and key findings.</li> </ul>	<p>In 2008 The British Trust for Conservation Volunteers, (now TCV) took on the lease of the Singleton Environment Centre on a peppercorn rent for 25 years and also entered into a Partnership Agreement with the council.</p> <p>The agreement was linked to a 3 year annual funding contribution of £20,000. When this funding came to an end TCV replaced it with a number of grants, the largest being the HLF Kent Heritage Trees Project.</p> <p>Once this project ended in 2016, TCV found it increasing difficult to find replacement funding and in Jan 2017 gave notice of their intention to terminate the lease on the 1<del>4</del><u>0</u>th March 2018, being the 10th anniversary and first break clause.</p> <p>The Great Chart with Singleton Parish Council (GCSPC) wishes to see the centre remain a community facility with an environmental focus and has confirmed their wish to work with the Council.</p>

<b>Consultation:</b> <ul style="list-style-type: none"><li>• What specific consultation has occurred on this decision?</li><li>• What were the results of the consultation?</li><li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li><li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li></ul>	Consultations have taken place with the Parish Council, the incumbent Trust Volunteers, potential Trustees, local ward members and members of the public.	
<b>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.</b> <p>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.</p>		
Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	MEDIUM	POSITIVE
Middle age	MEDIUM	POSITIVE
Young adult	MEDIUM	POSITIVE
Children	MEDIUM	POSITIVE
<u>DISABILITY</u> Physical	MEDIUM	POSITIVE
Mental	MEDIUM	POSITIVE
Sensory	MEDIUM	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> Men	NONE	NEUTRAL
Women	NONE	NEUTRAL
<u>SEXUAL ORIENTATION</u>	NONE	NEUTRAL

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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<b>Is the decision relevant to the aims of the equality duty?</b> Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a> , alongside fuller <a href="#">PSED Technical Guidance</a> .	
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

<b>Conclusion:</b> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>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</li> </ul>	<p>Due regard has been made to the equality duty, from start to finish of the consultation and scoping process.</p> <p>There will be no unlawful discrimination arising from the decision</p> <p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from maintaining and enhancing the centre.</p>
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<p>residual impacts are justified.</p> <ul style="list-style-type: none"> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>Monitoring of the policy, procedure or decision and its implementation be undertaken and reported will be undertaken by the partners.</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
<p><b>EIA completion date:</b></p>	<p>14-12-17</p>

**Agenda Item No:** 8

**Report To:** Cabinet

**Date of Meeting:** 11 January 2018

**Report Title:** Homeless Reduction Act 2017

**Report Author & Job Title:** Rebecca Wilcox – Housing Operations Manager

**Portfolio Holder** Cllr. G White  
**Portfolio Holder for:** Housing



**Summary:** The Homeless Reduction Bill received Royal Assent on 27 April 2017 and is now an Act with the enactment date set as the 3 April 2018.

This report provides an overview of the new duties arising under the Act together with our action plan to prepare for implementation. In addition, the report sets out the impacts and risks arising from the new Act and the proposed resource implications to enable the Council to meet its obligations.

**Key Decision:** YES

**Significantly Affected Wards:** All

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

- I. **Note the arrangements for the implementation of the Homelessness Reduction Act 2017.**
- II. **Endorse the Implementation Programme**

**Policy Overview:** Housing Framework/Homelessness Strategy/Letting Policy

**Financial Implications:** The proposals are within the existing draft budget, and therefore do not represent a growth in expenditure.

This does however represent a risk to the budget that measures are not sufficient and that this could result in an overspend. This has been discussed by the budget scrutiny task group and will be covered in their report.

**Legal Implications** Current legislation (Housing Act 1996), amended by the Homelessness Act 2002 and changes set out in this report.

**Equalities Impact** See Attached - **Appendix 3**



**Assessment**

**Exempt from  
Publication:**

**NO**

**Background  
Papers:**

**Contact:**

Rebecca.wilcox@ashford.gov.uk – Tel: (01233) 330405

## Report Title: Homelessness Reduction Act 2017

### Introduction and Background

1. The Council has existing statutory duties towards people who are homeless or threatened with homelessness within 28 days under Part 7 of the Housing Act 1996. The Homelessness Reduction Act 2017, (HR Act), which comes into force on 3<sup>rd</sup> April 2018, amends Part 7 adding 13 new clauses. The new clauses add new duties and substantially amends many of the existing duties. The HR Act is not retrospective so applications up to 2<sup>nd</sup> April 2018 will fall under the old framework.
2. The key changes establish two new duties as follows:
  - a. take reasonable steps to help applicants from becoming homeless within 56 days (Prevention) and
  - b. if homelessness has occurred then to help the applicant resolve their situation by finding accommodation within 56 days (Relief).
3. Every person or household approaching the authority who is threatened with homelessness within 56 days will be entitled to proactive support from the local authority to prevent or relieve homelessness. Personal Housing Plans must be drawn up with each household setting out an agreed action list between the local authority and the applicant to prevent and/or relieve homelessness and this will be followed up by proactive casework with each household to achieve that aim. Further each applicant is entitled to a written notification of the prevention and relief stages and has a right to request a review if they think that the local authority has not complied with the duty to prevent.
4. These new duties place a significant emphasis on the local authority taking proactive steps to prevent homelessness at a much earlier stage than the current legislation requires and this is expected to significantly alter the local authorities approach to homelessness and as a result increase workload. The duties to prevent or relieve must be fully exhausted before the Council can consider the existing homelessness duties and there is potential that this may result in longer stays in temporary accommodation if prevention options are not successful. Should the Council be unable to prevent or relieve homelessness, then consideration under the existing legislation must be made to decide whether the Council has a duty to secure accommodation, carry out further investigations and make a homelessness decision about the level of duty owed.
5. In addition to these main key changes, there are a number of amendments, which will have a significant impact on current resources and service provision. The table in **Appendix 1** sets out the main amendments and service implications.

6. Homelessness approaches are likely to increase considerably, with leading experts suggesting that there could be a rise by up to 50%. Our current figures shown below, plot approaches made by applicants with a potential risk of homelessness against homelessness applications accepted, on average this is 129 approaches per month against 20 homelessness acceptances per month. While these figures do not reflect the true level of demand on our service going forward, the number of approaches allows us for a better understanding of the potential baseline figure we could expect.

**Graph 1: Homeless approaches v Homeless acceptance**



7. In view of the impacts of the new HR Act it will be necessary to review the structure of the Housing Options Team to ensure it is fit for purpose and it will also be necessary to ensure that the officers on the frontline have a range of options available which are effective at either preventing or relieving homelessness. This report sets out more information about the HR Act and the proposed implementation plan, financial position and a risk assessment.

## Amendments, Implementation Programme and Referrals

8. The main amendments that the HR Act makes to Part 7 of the Housing Act 1996 are highlighted in the table attached at **Appendix 1**, with the potential impact these will have on our service provision.
9. Another significant change is a new duty to be placed on certain Public Bodies to refer clients who are homelessness or at risk of homelessness to the local authority. A public body is widely defined as “a person (other than a local housing authority) who has functions of a public nature”. This is likely to include services such as NHS Trusts, schools, GPs and all manner of Tier 1 functions. This duty has now been postponed till October 2018, however due to the complexity of bodies that require engagement and potential training requirements we have highlighted an action within our Implementation Programme to relaunch our Homelessness Forum in addition to meeting with

HUB partners to ensure we maximise the partnership arrangements available to clients within the Borough. It should also be recognised that some of our partners are likely to play a key role in supporting clients under threat of homelessness and it is therefore likely that referral to a wide range of partners will form part of the personal housing plan development with individuals.

10. Noting the potential impacts on the service provision has led to us considering how we can mitigate the impact on the Council; this has led to the core officer group within Housing to develop an Implementation Programme, which is attached at **Appendix 2**. The key areas of this programme focus on the finances available to support the implementation of the new Act, a revised toolkit for frontline staff to utilise and a new team structure to support the move to prevention and relief over homelessness acceptances.
11. Re-tendering of a Kent wide IT solution was concluded mid-December and LOCATA (our current provider) have been successful, while the current contract does not conclude until July 2018, LOCATA have agreed to work with the Kent wide partnership to ensure the IT solution is fit for purpose in time for the implementation of the Act.

## **Financial Implications and Risk Assessment**

12. The government have recognised that the HR Act is likely to require additional resources and have allocated various grant-funding streams to assist with the implementation of the Act. Ashford will continue to receive Homelessness Grant of £49,000. In addition, following a change to the housing benefit subsidy system for private sector leased accommodation, a new grant has been introduced called the Flexible Homelessness Support Grant. Ashford has been allocated £224,060 under this grant but approximately £171,600 of this will continue to support the management of the existing leased properties used as temporary accommodation, with the remainder being available to support our implementation programme and restructure. Finally, the government has identified a three-year programme of New Burdens Funding, which provides Ashford with £55,978 in year 1, £51,276 in year 2 and £54,202 in year three. A further one off contribution of £9,000 has been identified by government as a grant towards new IT costs. Total funding can be viewed in Table 1 located in Financial Implications.
13. A new staff structure has been developed to support the new functions and the change in emphasis from processing homelessness applications to proactively preventing homelessness. Whilst this will include a proposal for additional staff, we have taken the opportunity to utilise existing resources and realign these to the new functions. These mean that we are confident that we can contain these costs within the budget and grant funding available. The proposed structure will be presented to Joint Consultative Committee in February following consultation with affected staff.
14. It is essential that the front line staff tasked with preventing homelessness are given the appropriate tools to achieve the desired outcomes. Whilst we already fund assistance with deposits and rent in advance as well as assisting with prevention payments, we are refreshing these tools to ensure that they

are effective. At this stage, we are confident that we can contain these costs within the budgets and grant funding available.

15. Another area of potential support to prevent homelessness is Discretionary Housing Payments (DHP) and we are working with colleagues in finance to give consideration to the best use of this funding.
16. The government aim is that by placing an emphasis on investing in preventing homelessness, this will, over time, reduce the need to accommodate households in temporary accommodation and therefore resources that currently go into the costs of bed and breakfast or other temporary housing can be reinvested into front line prevention work. This is difficult to quantify at this stage and therefore we will need to review the arrangements that we put in place in line with budget monitoring periods to understand the impacts on the service.
17. Whilst we are confident at this stage that we can manage the new demands on the service within the budget and the grant funding available. There is a contingency sum included within the general fund for highlighted high risk areas and the general fund reserve has been identified to manage in year risks for the Council, therefore the council has contingencies in place should our assumptions prove to be incorrect.
18. The table below (Table 2) notes the risks identified with the implementation of the HR Act and what we intend to put in place to mitigate these risks. Risks will be monitored as identified in our Implementation Programme (**Appendix 2**) and be reported back to Management Team and Directors on a quarterly basis as part of the budget monitoring cycle.

**Table 2 – Risk and Mitigation**

<b>Risk</b>	<b>Type of Risk</b>	<b>Mitigation</b>
Unaffordability in the Private Rented Sector	Financial Social	<ul style="list-style-type: none"> <li>i. Review current landlord offer to ensure that it is fit for purpose</li> <li>ii. Develop a new range of landlord incentives</li> <li>iii. Empower staff to make quick and effective decisions about prevention offers on the front line</li> <li>iv. Promotion and expansion of the Social Lettings Agency model</li> <li>v. Working closely with our Private Sector Team regarding suitability of accommodation</li> <li>vi. Continue to liaise with landlords via the Private Sector Landlord working group and the Private Sector Landlord Forum</li> </ul>
Legacy cases under the current legislation (Housing Act 1996 amended by the Homelessness Act 2002)	Financial Resources (staff)	<ul style="list-style-type: none"> <li>i. Applications up to and including 2<sup>nd</sup> April 2018 will need to be managed under current legislation</li> <li>ii. Identified need for staff resources, structure review includes an additional officer on a 12 month fixed term contract to focus on the legacy cases.</li> </ul>
Longer placements in temporary accommodation (TA) due the duty to Prevent and Relieve (up to 112 days).	Financial Resources (accommodation)	<ul style="list-style-type: none"> <li>i. Ensure TA offer is value for money, challenge and market test available</li> <li>ii. Use of Tufton House block booking self-contained accommodation</li> <li>iii. Complete and renovate Christchurch Lodge (short stay accommodation)</li> <li>iv. Ensure periodical reviews of suitability of TA offer, monitoring of collection rates for charges</li> <li>v. Constantly review the need for further temporary accommodation</li> </ul>
Increase workload causing inability to meet new duties	Financial Reputational	<ul style="list-style-type: none"> <li>i. Ensure sufficient focus on frontline prevention in the new structure</li> <li>ii. Ensure staff have effective policies and procedures are in place as well as effective IT support and templates for letters, decisions and Personal Housing Plans</li> <li>iii. Work with IT to create digital solutions to support implementation</li> </ul>
No local connection required for Prevention duty	Financial Resources Reputational	<ul style="list-style-type: none"> <li>i. Monitor the impact of the risk working with neighbouring authorities and Kent Housing Group</li> </ul>

## **Equalities Impact Assessment**

19. Members are referred to the attached Equality Impact Assessment.

## **Consultation Planned or Undertaken**

20. Informal consultation with current staff in the Housing Options Team has taken place and a full report will be taken to the Joint Consultative Committee on 22 February 2018 with formal consultation to follow.
21. The proposed structure re-aligns some of the existing staff duties but there are no proposals for redundancies.

## **Other Options Considered**

22. No other options have been considered.

## **Reasons for Supporting Option Recommended**

23. The HR Act places new statutory duties upon the local authority and therefore it is essential that the authority responds to the new requirements.
24. Consideration has been given to the appropriate resources required to support the implementation of the Act along with identifying the risks to the authority and how best to mitigate these.

## **Next Steps in Process**

25. The draft new structure will be presented to Joint Consultative Committee in February 2018 following informal consultation with the affected staff members. This will be followed by a formal consultation process with staff.
26. Staff are being trained in relation to the requirements of the new Act and the new refreshed 'toolkit of housing options to prevent homelessness will be implemented and monitored to measure effectiveness.
27. The Homelessness Forum to engage with key partners will be launched early in the new year and as more detail is made available about the public bodies duty to refer, this forum and the links we have at the Hub at International House will be utilised to ensure that effective partnership and referral mechanisms are in place.
28. The existing software provider has been successful in re-tendering for the provision of IT solutions across the majority of Kent and their updated software solution will be available in time for commencement of the new Act. This provides the relevant IT support for staff in producing the required Personal Housing Plans and following through the required workflow to meet the new duties.

## Conclusion

29. The introduction of the HR Act is a significant change in approach to responding to homelessness, which requires investment in proactively assisting those threatened with homelessness at an early stage to prevent or relieve homelessness.
30. The implementation plan set out provides an overview of the work towards implementation of the new Act on 3<sup>rd</sup> April, which we believe can be funded within the budget and grant funding available.

## Portfolio Holder's Views

31. The new Act will place a higher emphasis on the prevention of homelessness which is a welcomed change to the current legislation. The working group have identified the resources required both financial and staffing while also considering the needs of the Borough. The implementation programme is realistic and has built in monitoring and reviewing process to allow for flexibility as the changes commence from April 2018. The working group have also identified the potential risks and made sensible suggestions in how to mitigate these, they have also highlighted the need for an appropriate fit for purpose and empowering tool kit to ensure the authority can meet its prevention and relief duties. I therefore endorse the recommendations set out in this report.

## Contact and Email

32. Rebecca Wilcox, Housing Operations Manager -  
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## Appendix 1 – Amendments to Part 7 of the Housing Act 1996 by the Homelessness Reduction Act 2017

Amendment	Implication to service provision
Duty to assess every eligible applicant's case and agree a Personal Housing Plan (PHP)	At present significant investigation and casework is required for homelessness applications only. Each eligible approach will require a PHP as part of the Prevention and Relief duty. The authority will have 56 days to work with the client to prevent their homelessness; if this is not achievable, the authority will then have a further 56 days to relieve the homelessness. Only if both duties are exhausted will the authority be required to assess whether they have a full housing duty under Part 6 of the Housing Act 1996.
Duty on Public Bodies to refer to the local authority	Additional case work, as Public Bodies are required to advise us of clients at risk of homelessness. While we already have working relationships with Public Bodies, they do not have a statutory duty to refer. This duty has been postponed to October 2018 (see Appendix 2 Implementation Programme for further information)
Ending the duty	A present we are only required to end a duty once. The Duty is ended once a full investigation into a client's application has taken place, this will be either an intentionality decision, not homeless decision or a Part 6 of the Housing Act 1996 offer of accommodation. Under the new Act the Duty will need to be ended at each stage (prevention, relief and homelessness) meaning a potential 3 discharge letters.
Additional review stages	An applicant can request a review at a number of stages under the new Act including any steps taken under each of the new duties as well as discharge of duty for non-cooperation by the client with the authority.
Priority need and Local Connection	<p>Under the current Act local connection to the Borough has to be established, if a client does not have a proven connection we can refer to the Borough in which they do have a connection (unless fleeing violence or harassment), under the new Act a local connection to the Borough is not required. An applicant can approach any Borough seeking assistance, this has the potential to increase approaches depending on the service provision provided by us and other authorities.</p> <p>Priority need is not required to be assessed until the Prevention and Relief duties have been exhausted.</p>

## Appendix 2 - Homelessness Reduction Act Implementation Programme

Desired Outcome	Description	What needs to be done	Lead Officer responsible	Timetable
1	<b>Member and Corporate understanding within the Council of the likely impact of the Homelessness Reduction Act 2017 (HR Act).</b>	<b>Action: Pre-cabinet briefing and report to Cabinet advising of the potential impact on the Council with regards to service provision, resources (staffing and financial) and risks associated with the implementation of the HR Act.</b> <b>Proposed actions and dates</b> 1. Pre-cabinet briefing for Members  2. Report to Cabinet with recommendations to support the implementation of the Act.  3. Implement the recommendations including amendments to staff structure, financial support and mitigation of risks	Rebecca Wilcox (RW)  RW  RW  RW	Nov. 2017  Jan. 2018  Jan-March 2018
2	<b>Working in Partnership to prevent and relieve homelessness arising from the new duties in the Homelessness Reduction Act</b> <b>1) Obtaining a commitment from all relevant statutory and voluntary sector partners to work in partnership to support the new duties within the Act.</b>  <b>2) Deliver bespoke prevention and relief assistance through Personal Housing Plans.</b> <b>3) Review the partnership arrangements with the HUB.</b> <b>seek to make the Personal Housing</b>	<b>Action: Relaunch the Homelessness Forum</b> Plan how prevention work will be delivered through greater partnership working to prevent and relieve homelessness in the Borough ensuring a greater understanding of what is on offer to ensure efficiencies and reduce duplication of work. <b>Proposed actions and progress:</b> 1. Relaunch in the Homelessness Forum inviting all relevant partners to engage with the Authority to understand the new requirements and the cultural change required to ensure the best outcomes for clients.  2. New terms of reference to be agreed  3. Overall aim is that all relevant partners understand the new obligations within the HR Act and how as service providers we can	Rebecca Wilcox (RW)  Sylvia Roberts (SR)	January 2018



		<p>that plan</p> <p>This is to realise the objective of the plan being a live and evolving set of actions to be taken with support from the Council and Partners to try and achieve a solution.</p> <p><u>Piloting delivering PHPs</u></p> <p>Ashford Borough Council will work through options for devolving the delivery of PHPs to selected internal and external partners</p> <ol style="list-style-type: none"> <li>1. Develop a list of relevant potential internal and external partners where the issuing of a PHP could be devolved/supported</li> <li>2. Discussions will take place with all possible partners selected on how they could deliver PHPs</li> <li>3. The aim would be to have pilots in place by February 2018</li> </ol> <p><u>Piloting other ways of delivering PHPs that recognise that some applicants understand information delivered through other means than by written notification</u></p> <p>Action is to develop models for delivering PHPs through other means in addition to a written plan</p> <ol style="list-style-type: none"> <li>1. Consider whether it would be possible to develop visual plans – develop what these might look like and decide whether a pilot is feasible</li> <li>2. Consider whether it will be possible to develop spoken word plans including a link option so that the spoken word plan is available to download</li> </ol> <p><u>Develop Pathway Plans for a number of specific client scenarios</u></p> <p>‘Customer journeys’ will be developed to provide meaningful prevention help, support, and an accommodation pathway for:</p> <ol style="list-style-type: none"> <li>a. 16/17 year old homeless cases</li> <li>b. Care leavers</li> </ol>		<p>January – March 2018</p> <p>November – January 2018</p>
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		<ul style="list-style-type: none"> <li>c. Hospital discharge cases including mental health</li> <li>d. Leaving prison or young offenders</li> <li>e. Victims of domestic abuse</li> <li>f. Service personnel homeless on leaving the armed forces</li> </ul> <p><b>Action: To review the current partnership arrangements with the HUB</b></p> <ul style="list-style-type: none"> <li>1. To arrange a partnership meeting to understand current service provision within the HUB</li> <li>2. Review how this work can provide support with the implementation of the new Act.</li> <li>3. Where necessary review the partners that are involved with the HUB working in particular with the Job Centre Plus (Department of Works and Pensions) who facilitate the HUB provision.</li> </ul>	RW/SW/Vik ki Baker (VB)	January 2018
3	<p><b>Improving the quality and effectiveness of prevention work to meet the requirements of the new prevention and relief of homelessness duties set by the Homelessness Reduction Act</b></p> <p><b>1) Develop and introduce new prevention focused toolkits.</b></p> <p><b>2) Ensure the appropriate financial modelling takes place including central government grants, general fund</b></p>	<p><b>Action: Introduce new prevention casework toolkits to improve the quality of early intervention prevention work for the main causes of homelessness</b></p> <ul style="list-style-type: none"> <li>1. Review the current prevention tool kit to ensure fit for purpose</li> <li>2. Develop new “tools” to ensure an appropriate offer to secure accommodation (revised Landlord Offer within the Private Rented Sector)</li> <li>3. Review the capacity and development potential of the Social Lettings Agency.</li> <li>4. Ensure the financial model to prevent homelessness is fit for purpose and funded appropriately.</li> </ul>	SR	January 2018

	<p>contributions and use of Discretionary Housing Payments.</p> <p><b>3) Ensure a robust review programme is in place at 3/6/12 months post implementation to ensure resources and finances are appropriate</b></p>	<p><b>Action: Work with the finance department to ensure the best use of resources</b></p> <p>1. Understanding the finances available to support the implementation of the Act.</p> <p>2. Review the use of Discretionary Housing Payments to support the Prevention agenda</p> <p><b>Action: Review effectiveness of the new prevention approaches by measuring prevention outcomes for all parental/extended family exclusion cases and all AST/Possession action cases at 3/6/12 months after introduction compared to prevention rates prior to the implementation of the Act.</b></p> <p>1. Review stages will allow for close monitoring of budget spend, understanding if team structure is appropriate and the tool kit is achieving the prevention expected.</p> <p>2. Develop new procedures to support prevention and relief measures and to ensure that these are monitored and review during the implementation.</p>	<p>SR/ Andrew Carney (AC)</p> <p>RW/SW</p>	<p>January 2018</p> <p>June 2018</p>
4	<p><b>To develop more effective “self-help” to support prevention of homelessness work</b></p> <p><b>The objective is to develop models to promote the concept of <i>Customer Choice and Empowerment</i> as a core principle for how the new prevention duties should be delivered.</b></p>	<p><b>Action: Encouraging the principle of self help for applicants who are not so vulnerable that they are able to help themselves to find a solution</b></p> <p>1. This will be achieved through several strands of work</p> <p><b>Developing a fully interactive on-line self help prevention and options advice module</b></p> <p>1. Kent are currently in the process of tendering for a new IT supplier (Successful tender LOCATA – current provider)</p> <p>2. Working with Corporate Customer Services to move towards Digital by Choice</p> <p><b>Develop practically focussed Self Help Packs to be provided to applicants at the earliest point where an approach for help is made</b></p> <p>1. Develop self help packs for the main causes of homelessness and for single people and families who are homeless when they present.</p>	SR/Ben Robinson/Kent Homelessness Officers Group	December – March 2018 (on-going as Act implementation programme continues.
5	<p><b>To work with the DCLG and Trailblazer Councils to prepare the IT changes that will be required by the new legislation</b></p>	<p><b>Action: To support the development and test the new P1E reporting requirements (H-CLIC) with the IT provider for the Homelessness Casework recording and P1E return.</b></p> <p><b>This will involve working with the Trailblazer local authorities</b></p>	SR	November – March 2018

		<b>currently developing the new P1E framework with DCLG.</b>		
6	<b>Anticipating and tackling problems that may undermine the successful implementation of the Act.</b>	<b>Action: Staff restructure to support the implementation of the Act.</b> 1. Review the current structure and provide a structure, which will support the move to Prevention and Relief. 2. Carry out the appropriate consultation with existing staff <ul style="list-style-type: none"> <li>i. Cabinet report</li> <li>ii. Formal staff consultation</li> <li>iii. Report to Joint Consultative Committee</li> <li>iv. Implementation of new structure</li> </ul> 3. Build in where possible a flexible structure that can respond to demand on the Council	RW/SW	October – March 2018
7	<b>Start work on preparing an updated Homelessness Strategy and Review to reflect the changes brought in by the Homelessness Reduction Act. Review where appropriate the Lettings Policy to reflect any changes required due to the implementation of the Act.</b>	<b>Action: Review to Council's Homelessness Strategy and Lettings Policy</b> The Homelessness Strategy does not have to be formally reviewed until 2020 however; it must be kept under review in the context of any major changes. The Homeless Reduction Act will fundamentally alter the approach to preventing and tackling homelessness and therefore the Strategy will need to be reviewed and updated.	RW	April – June 2018
8	<b>Training requirements</b> <b>1) Housing Options Team</b> <b>2) Frontline staff (Corporate)</b> <b>3) Other ABC staff who have been identified</b> <b>4) Partners – statutory and voluntary</b>	<b>Action: Develop a training programme that will cover all training requirements as identified.</b> 1. Work with HR to develop a training programme to ensure all groups are covered. 2. Review the appropriate delivery and level training is required 3. Ensure reviews are in place to ensure staff are up to date with legislation and case law.	SR	July 2017 – on-going.

## Appendix 3 -Equality Impact Assessment

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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](#)

<b>Lead officer:</b>	Rebecca Wilcox
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Homeless Reduction Act 2017
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	January 2018
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>The Homeless Reduction Act will be implemented on 3<sup>rd</sup> April 2018.</p> <p>The aims and objectives of the Act is to have more emphasis on the prevention of homelessness. Every person that approaches for advice will be given a comprehensive personal housing plan which sets out exactly what they have to do, and what assistance the local authority will provide.</p> <p>Based on information from Wales, where the Act is already implemented, and from those Authorities piloting the Act, it is expected that the work load will double as more detailed casework needs to be conducted.</p> <p>This will have a big impact on staff. We are proposing a restructure of the team and need to recruit additional members in order to meet the demand. The will also have an impact on the wider team, as the demand for private rented accommodation will increase as well as needing to amend our current lettings policy.</p> <p>There will also be a significant impact on our partner agencies with the increase duties.</p>
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key</li> </ul>	Research has been conducted over the past few months looking at both the Welsh model and those Authorities piloting the scheme already. The Department for Communities and Local Government (DCLG) have recently issued a Code of Guidance and have made recommendations of

findings.	how to implement the Act.  In addition, we have sought the assistance from an independent consultant.	
<b>Consultation:</b> <ul style="list-style-type: none"><li>• What specific consultation has occurred on this decision?</li><li>• What were the results of the consultation?</li><li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li><li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li></ul>	<p>Staff directly effected have had an informal discussion with the Housing Operations Manager and the Head of Housing. There have been a couple of SPACE room sessions to outline the proposal for the new structure and to discuss the expected operational procedure.</p> <p>This will take a more formal consultation period in the new year, involving the personnel department.</p> <p>Partner agencies have been informed of the new Act, specifically the Rough Sleepers Working Group and the Supported Accommodation Move On Group.</p> <p>DCLG are intending to run a series of formal training for both Local Authority staff and partner agencies in the new year.</p> <p>Ashford Borough Council are planning to re-launch their Homelessness Forum in January 2018 to bring together all those agencies who work with people that are either homeless, or threatened with homelessness.</p>	
<b>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.</b> <p>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.</p>		
<b>Protected characteristic</b>	<b>Relevance to Decision</b> High/Medium/Low/None	<b>Impact of Decision</b> <b>Positive</b> (Major/Minor) <b>Negative</b> (Major/Minor) <b>Neutral</b>
<u>AGE</u>  Elderly	Low	Neutral
Middle age	Low	Neutral

Young adult	Low	Neutral
Children	Low	Neutral
<u>DISABILITY</u>	Low	Neutral
Physical		
Mental	Low	Neutral
Sensory	Low	Neutral
<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>	Low	Neutral
Men		
Women	Low	Neutral
<u>SEXUAL ORIENTATION</u>	Low	Neutral

<b>Mitigating negative impact:</b>  Where any negative impact has been identified, outline the measures taken to mitigate against it.	No negative impact
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<b>Is the decision relevant to the aims of the equality duty?</b>  Guidance on the aims can be found in the EHRC's <u><i>Essential Guide</i></u> , alongside fuller <u><i>PSED Technical Guidance</i></u> .	
<b>Aim</b>	<b>Yes / No / N/A</b>
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><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>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.</li> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>The Homeless Reduction Act will ensure that those households that are deemed to be “Non priority” and therefore have no duty to be housed by the Local Authority, will receive a robust and more comprehensive advice and assistance service to ensure that they can secure sustainable, long term accommodation.</p> <p>The DCLG are changing the way they collect statistics and therefore this will be closely monitored by the Senior Housing Options Officer, who will send the new H-Clic report through every quarter.</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
<b>EIA completion date:</b>	18 <sup>th</sup> December 2017

## Trading and Enterprise Board

Minutes of a Meeting of the Trading and Enterprise Board held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **4<sup>th</sup> December 2017**.

### **Present:**

Cllr. Bell (Chairman);

Cllrs. Bradford, Clokie;

Cllr. Ovenden (Observer).

### **Apologies:**

Cllrs. Galpin, Shorter.

### **Also Present:**

Cllr. Burgess.

Head of Corporate Property and Projects (in his capacity as Director of A Better Choice for Property Ltd), Interim Head of Finance (in her capacity as Director of A Better Choice for Property Ltd), Director of Finance and IT, Senior Accountant (LF), Senior Accountant (MH), Commercial Development and Regeneration Officer, Senior Member Services Officer.

## **245 Declarations of Interest**

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Burgess	Made a 'Voluntary Announcement' as a private landlord.	249

## **246 Minutes**

### **Resolved:**

**That the Minutes of the meeting of the Board held on the 6<sup>th</sup> November 2017 be approved and confirmed as a correct record.**

## **247 Appointment of Auditors**

The report of the Senior Accountant advised that the Board was being asked by both A Better Choice for Property Limited and A Better Choice for Building Consultancy Limited, to approve the appointment of Auditors for the Companies under its delegated authority for 2017/18. This appointment was different to previous years as

the Companies had confirmed with the Public Sector Audit Appointments that the Local Audit (Appointing Person) Regulations 2015 had not been taken forward in legislation following the abolition of the Audit Commission, and therefore the Companies could now change audit provider in accordance with Companies Act 2006 legislation.

**Resolved:**

- That (i) the appointment of Cassidys as the Auditors for A Better Choice for Property Limited for the financial year 2017/18 be approved.**
- (ii) the decision not to have a formal audit for A Better Choice for Building Consultancy Limited going forward be approved, until the Company resumes trading, or if an audit is required, then to appoint Cassidys for 2017/18.**

## **248 Exclusion of the Public**

**Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item as it is likely 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.**

## **249 Victoria Quarter Development (Jemmett Road)**

Following approval of its Business Plan by the Cabinet on 13<sup>th</sup> July 2017, the Property Company presented an opportunity to make their first significant acquisition as part of its aim to increase its portfolio over the next five years to 400-500 properties. The report contained full details of the proposal including the number of units to be acquired, the required capital investment and the funding arrangements via a loan agreement with Ashford Borough Council. The report also contained a scheme appraisal over a 50 year period in terms of Net Present Value and Internal Rate of Return.

In response to questions from Members, the Senior Accountant (LF) advised that as he understood, the Company's portfolio would be kept under regular review, but the longer term ambition would be to hold on to the properties for a number of years and maintain them in the rental sector. There was a high degree of confidence amongst Officers in the proposal and that it was the next logical step for the evolution of the Company.

Board Members were supportive of the proposals and thanked those individuals who had worked so hard to bring them forward for the Company.



The Senior Member Services Officer advised that he would check the final wording of the recommendations ahead of the Cabinet meeting later that week.

**Recommended:**

- That**
- (i) the outline Business Case for the proposed development as detailed in the report be approved.**
  - (ii) the Council delegate responsibility to the Head of Legal and Democracy and Director of Finance and Economy, in consultation with the Portfolio Holder for Finance and IT and the Deputy Leader, for signing off the final business case and making available to the Company the necessary funds for the proposed development.**
  - (iii) the Council delegate authority to the Head of Legal and Democracy and Director of Finance and Economy, to draft and enter into the loan agreements between Ashford Borough Council and A Better Choice for Property Limited.**

## **250 Appointment of Senior Commercial Development Manager – A Better Choice for Property Limited**

The Commercial Development and Regeneration Officer introduced the report which advised that at its last meeting on the 6<sup>th</sup> November, the Board had received an update on the Property Company's progress in recruiting a member of staff. As the proposed funding allocation for the member of staff now differed from that originally approved by the Board, it was agreed that they should receive a further update at the next meeting to approve the details of the allocation of the funding for the position. Details were included within the report.

In response to questions, the Head of Corporate Property and Projects (in his capacity as Director of the Company) advised that they had already started to receive a good standard of applications and they were aiming to appoint by the end of the calendar year.

**Resolved:**

**That the Board approve the allocation of funds as detailed in the report to support the appointment of A Better Choice for Property Limited's first employee.**

DS

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# NOTES OF THE ECONOMIC REGENERATION & INVESTMENT BOARD

## 21<sup>st</sup> November 2017

**Attending:**

Cllr Clarkson (Chairman)  
Cllr Galpin  
Cllr Ovenden  
Cllr Shorter

Tracey Kerly (TK)  
Paul McKenney (PMcK)  
Steve Parish (SP)  
Ben Lockwood (BL)  
John Fairhall (JF)  
Lorna Ford (LF)  
Richard Alderton (RA)  
Dean Spurrell (DS)  
Stewart Smith (SS)  
Rosie Reid (RR) – minutes

<p><b>1. Declarations of Interest</b></p> <p>Cllr Clarkson made a Voluntary Announcement as he was a Director of A Better Choice for Property Ltd.</p> <p>Cllr Shorter made a Voluntary Announcement as he was a Director for A Better Choice for Building Consultancy Ltd and Kent Play Clubs. He also declared that he knew the owner of the Chilmington site but not well.</p> <p>TK made a Voluntary Announcement as she was a Director of A Better Choice for Property Ltd and A Better Choice for Building Consultancy Ltd.</p> <p>PMcK made Voluntary Announcements as he was a Director of A Better Choice for Property Ltd.</p>	
<p><b>2. The Notes of the meetings of 4<sup>th</sup> August 2017 and 27<sup>th</sup> September 2017</b></p> <p>The Notes of the meetings of the Economic Regeneration and Investment Board on 4<sup>th</sup> August 2017 and 27<sup>th</sup> September 2017 were agreed as a correct record.</p>	

<p><b>3. PID</b></p> <p>PMcK introduced this item. He explained that the proposed acquisition of this land had been discussed at the Board meeting on 4<sup>th</sup> August, when it had been agreed that PMcK should make an offer on the land, up to the value agreed by the Board. The Board confirmed that they wished PMcK to proceed with the acquisition.</p>	<p><b>PMcK</b></p>
<p><b>4. Mecca Bingo site</b></p> <p>SS introduced this item and highlighted key issues in the report. He said the report contained as much information as was available at present, and that only limited information would be available before the bid deadline of 1<sup>st</sup> December. Following discussions amongst Members and Officers, it was recommended to the Chief Executive by the Board that, given the limited time before the deadline, she exercise her urgency powers to bid for the property on the terms agreed.</p>	<p><b>TK</b></p>
<p><b>5. Axiom Business Park (Industrial Estate) Acquisition</b></p> <p>SS introduced this item. Members agreed that they did not wish to pursue the option to purchase this site.</p>	
<p><b>6. KWG – Site Acquisition</b></p> <p>SS introduced this item. He advised Members that this item had previously been presented to the Board at a meeting on 27<sup>th</sup> September. The Board, having discussed the additional information that had come to light, recommended that a bid to acquire the site be made which was conditional upon Cabinet/Council approval being obtained on the terms agreed.</p>	<p><b>SS</b></p>
<p><b>7. Ashford Youth Theatre</b></p> <p>Members discussed the options for resolving this outstanding issue and the pressing need to secure vacant possession of the site. It was agreed that JF would serve further notice, should the matter of the relocation not be resolved within the next two weeks.</p>	<p><b>JF</b></p>
<p><b>8. Purchase of land</b></p> <p>PMcK advised that an opportunity had become available to purchase a plot of potential development land in the Borough. Members considered that more information was required before a decision was made and it was agreed that a report would come back to a future meeting with further financial information and options.</p>	<p><b>PMcK</b></p>

<b>9. Dates of Next Meetings</b>			
25 <sup>th</sup> January 2018	2pm	Council Chamber	
21 <sup>st</sup> February 2018	10am	Council Chamber	
21 <sup>st</sup> March 2018	2pm	Committee Room 2	
25 <sup>th</sup> April 2018	2pm	Council Chamber	

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## **Local Plan & Planning Policy Task Group**

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **22<sup>nd</sup> November 2017**.

### **Present:**

Cllr. Clarkson (Chairman);  
Cllr. Clokie (Vice-Chairman)

Cllrs. Mrs Blanford, Bradford, Mrs Dyer, Galpin, Shorter, Smith, Suddards.

### **Apologies:**

Cllr. Heyes.

### **Also Present:**

Cllrs. Burgess, Hicks, Miss Martin.

Simon Cole – Head of Planning Policy; Ian Grundy (IG) – Principal Policy Planner; Daniel Carter (DC) – Principal Policy Planner; Carly Pettit (CP) – Policy Planner; Richard Alderton – Corporate Director (Place and Space); Lorna Ford - Head of Corporate Policy, Economic Development & Communications; Jeremy Baker – Principal Solicitor (Strategic Development); Rosie Reid – Member Services and Ombudsman Liaison Officer.

## **1 Declarations of Interest**

- 1.1 Cllr. Clarkson made a Voluntary Announcement as he was a Director of A Better Choice for Property Ltd and a member of the Weald of Kent Protection Society.
- 1.2 Cllr. Mrs Blanford made a Voluntary Announcement as she was a member of the Campaign to Protect Rural England and the Weald of Kent Protection Society.
- 1.3 Cllr. Burgess made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.
- 1.4 Cllr. Hicks made a Voluntary Announcement as she was a resident of Magpie Hall Road.

## **2 Notes of the Meeting of 3<sup>rd</sup> November 2017**

- 2.1 The Notes of the Local Plan & Planning Policy Task Group Meeting held on 3<sup>rd</sup> November 2017 were approved.

## **3 Submission version of the Local Plan to 2030**

- 3.1 The Chairman introduced this item. He said that, subject to the proposed further minor amendments in the agenda papers, the Local Plan submission version was now presented for final sign-off by Members of the Task Group.

The Chairman drew Members' attention to the further minor amendments, and asked them to ensure they were content for these changes to go forward to the Cabinet for approval to form part of the submission to the Inspector.

- 3.2 The Head of Planning Policy said the amendments were principally changes to text and content arising from the most recent consultation, and were mainly additions of words, and corrections of typos and grammatical errors.
- 3.3 A Member asked why the environmental assessment study had included large areas outside the Borough. The Head of Planning Policy responded that it was necessary to consider impacts on all areas of designated importance, whether or not they were directly affected by proposals in the Plan. It was important to show that consideration had been given to possible indirect effects on these areas, and any mitigation plans.
- 3.4 A Member pointed out that the title page of the Plan needed to be amended to read 'Submission Version' and not 'Main Changes'. She also considered that there was some confusion about the numbering of three policies and requested clarification. The Head of Planning Policy suggested that an appendix be added to clarify the numbering changes between versions, and Members agreed this was a good idea.
- 3.5 A Member said that S8 Lower Queens Road was now a redundant site, and that this was for Members' information only.
- 3.6 A Member congratulated Members of the Task Group and wished to thank Officers for their hard work in reaching this stage of the Local Plan. The Chairman agreed.
- 3.7 A Member referred to the Ashford Urban Area map on page 326 and requested that the Julie Rose Stadium be shown. The Head of Planning Policy pointed out that details within the Plan and other supporting documents specifically referred to the Stadium, but he agreed to add reference to the Stadium on the map, along with Conningbrook Park.
- 3.8 A Member drew attention to the wording of Policies S51 and S52, with regard to preservation of hedgerows, which included the phrase 'if possible'. She considered that the policies should conserve hedgerows as a default position, not as an 'if possible' one. She said established hedgerows were important to rural areas and communities and developers should not be permitted to remove them. Another Member said Planning Officers and Planning Committee should decide these matters, and there should be no global constraint placed at this stage. The Head of Planning Policy considered that flexibility was required. The site policies clearly supported the position that mature hedgerows should be retained, but it was important to ensure there was sufficient flexibility to find optimum solutions for individual sites.
- 3.9 A Member asked about the expected timetable for the independent Examination. The Head of Planning Policy said that, although he considered the Plan to be sound, there were inevitably objections from some stakeholders, who would need the opportunity to make their concerns known to the Inspector. This could take some time. However, based on recent communication with the Planning Inspectorate, it was currently anticipated that the examination hearings would commence in April 2018.

- 3.10 A Member asked about future plans for public transport in the rural areas. The Head of Planning Policy responded that this was a complex issue. In the town area, bus services were run on a commercial basis, but there was not sufficient level of demand in rural areas to make such services viable. The Council would encourage developers to contribute towards public transport in rural areas, where this was considered viable and a practicable use of their contributions. However, developer contributions would be used elsewhere where this was not considered economically sound. The Council would have to consider this issue on a case by case basis in practice. Members were supportive of the Little and Often bus service concept, which was currently working very successfully within the town area, and it was hoped that demand in the rural parts of the Borough would be sufficient in future for the service to reach those areas too.

**Resolved:**

**That:**

- (i) The Local Plan and Planning Policy Task Group agrees to delegate authority to the Head of Planning Policy, in consultation with the Portfolio Holder for Planning & Development, to make any further appropriate minor amendments to the draft Ashford Local Plan 2030 prior to submission;**
- (ii) Subject to (i) above, the Local Plan and Planning Policy Task Group endorses the Submission version of the Local Plan to 2030, including the schedule of further minor amendments appended to the report, and the matters agreed at the Meeting, and asks the Cabinet to recommend that the Council formally submits the Plan to the Secretary of State for public examination.**

## **4 Date of Next Meeting**

- 4.1 5<sup>th</sup> January 2018 – Council Chamber – 10am

Councillor Clarkson (Chairman)  
Local Plan & Planning Policy Task Group

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**Agenda Item No:** 12

**Report To:** CABINET

**Date:** 11<sup>TH</sup> JANUARY 2018

**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.



<b>Summary:</b>	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](http://www.ashford.gov.uk/councillors_and_committees.aspx)*

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
<b>11<sup>th</sup> January 2018</b>					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Purcell	Open (Exempt Appendix)	13/1/17
Singleton Environment Centre – Lease Negotiations	<i>To present the approach and explain the discussions to date with Great Chart with Singleton Parish Council who wish to see the Centre remain a community facility with an environmental focus and has confirmed their wish to set up a trust entity to take on the lease and operation of the centre.</i>	Cllr Bennett	Sarah Barber/Christina Fuller	Open	13/10/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Homeless Reduction Strategy	<i>To outline what the new Homeless Reduction Act duties will be, the likely staffing resources needed to cover these duties and the tools that the Council has available to deliver the new service.</i>	Cllr White	Rebecca Wilcox	Open	15/6/17
8 <sup>th</sup> 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
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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
Heritage Projects 2018/19	<i>Proposed heritage events for the period of 2018-2019 have been identified that require budget agreement and provision in order to progress. These have all been triggered by timely anniversaries in 2018, in particular the centenary of the end of the First World War.</i>	Cllr Bennett	Sarah Barber	Open	21/12/17
Gypsy and Traveller DPD – Issues and Options Report for Consultation	<i>To ask Members to approve the Issues and Options Report for the purposes of public consultation – the first stage in the process of preparing the Gypsy and Traveller DPD.</i>	Cllr Clokie	Ian Grundy	Open	19/12/17
Chilmington Gypsy Site – Future Ownership and Management	<i>To outline the challenges of managing the site, the consider the health and wellbeing of tenants who lived at the site, to establish any impact the site has on the surrounding local community and to create a framework for disposal of the site.</i>	Cllr White	Anthony Crossley	Open	19/12/17
8 <sup>th</sup> 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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Leisure Procurement		Cllr Bennett	Christina Fuller	Open	21/9/17
Opt-to-Buy and Keyworkers		Cllr White	Sharon Williams/ Rebecca Wilcox	Open	9/10/17
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
Wye 3 Masterplan		Cllr Clokie	Mark Chaplin	Open	6/10/17
Tenterden Leisure Centre Redevelopment Plans		Cllr Bennett	Ben Moyle	Open	21/9/17
Commercial Investment Strategy		Cllr Shorter/Galpin	Stewart Smith/ Lee Foreman	Open	4/12/17
Corporate Property Asset Management Strategy		Cllr Galpin	Stewart Smith	Open	21/12/17

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
12 <sup>th</sup> April 2018					
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
10 <sup>th</sup> May 2018					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	12/5/17
14 <sup>th</sup> 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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
12 <sup>th</sup> 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
Town Centre Annual Report		Cllr Galpin	Jo Wynn-Carter	Open	14/7/17
9 <sup>th</sup> 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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
13 <sup>th</sup> September 2018					
11 <sup>th</sup> October 2018					
Medium Term Financial Plan	<i>To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.</i>	Cllr Shorter	Maria Seddon	Open	13/10/17
8 <sup>th</sup> November 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	11/11/16
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Maria Seddon	Open	11/11/16
6 <sup>th</sup> December 2018					
Draft Budget 2019/20	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&amp;S Task Group and public consultation.</i>	Cllr Shorter	Ben Lockwood	Open	8/12/17



Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Council Tax Base 2019/20	<i>To present for approval the estimated 2019/20 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	8/12/17
Housing Revenue Account (HRA) Business Plan 2018 – 2048	<i>An annual update of the HRA Business Plan financial projections. This report updates the position for the period 2018-48.</i>	Cllr White	Sharon Williams	Open	8/12/17

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21/12/17