Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the 13th December 2012

Present:

His Worshipful the Mayor, Cllr R K Davidson (Chairman);

Cllrs. Adley, Apps, Bartlett, Bennett, Mrs Blanford, Burgess, Chilton, Clark, Clarkson, Claughton, Clokie, Davey, Davison, Feacey, French, Heyes, Hicks, Link, Marriott, Mrs Martin, Michael, Mortimer, Robey, Smith, Taylor, Yeo.

Prior to the commencement of the meeting:-

- His Worshipful the Mayor asked Members to remain standing in silence for the late Major William Oswell Cotton who was the Member of the Borough Council for the Kingsnorth Ward between 1973 and 1979 and Mayor in 1978 – 1979 and who had recently passed away.
- 2. The Reverend Alan Dinnie said prayers.

Apologies:

Cllrs. Adby, Mrs Bell, Buchanan, Mrs Dyer, Galpin, Mrs Heyes, Hodgkinson, Howard, Mrs Hutchinson, Rutter, Shorter, Sims, Wedgbury, Wood, Wright.

Also Present:

Chief Executive, Deputy Chief Executive, Head of Legal and Democratic Services, Head of Cultural and Project Services, Head of Customers, Homes and Property, Head of Environmental Services, Member Services and Scrutiny Manager.

268 Exempt or Confidential Information

The Mayor asked whether any items should be dealt with in private because of the likely disclosure of exempt or confidential information. There were none.

269 Minutes

Councillor Smith referred to Minute No. 181 of the 18th October 2012 and in particular to the question from Mr Relf regarding the Gypsy and Traveller Site at Chilmington and explained that Members had not seen an answer to that question and he asked that an answer be provided. He also said that there were other examples throughout the Minutes and again Members had not been provided with a copy of the relevant answers.

The Mayor said that he understood that Mr Relf would raise the question regarding Chilmington under this item. The Mayor also explained that the Council had agreed

to adopt a revised public participation scheme which detailed the information required to be provided by members of the public when wishing to address the Council, and set a revised deadline for submission of the request. He said that this would allow the Officers and the Cabinet Members to give a full reply to the issues raised. He undertook to give a copy of the revised scheme to Mr Relf after the meeting.

In accordance with Procedure Rule 9.3, Mr Relf, a local resident said that he had three issues he wished to raise under the Minutes. He referred to Minute No. 184 and the issue of missing persons from the Electoral Register. He said that the results of the last Census had been published and a new Police Commissioner had been elected. He understood that the Kent Police were a leading authority in terms of intelligence-led information but in Ashford he said he was aware of a local drug dealer who was not on the Electoral Register. In view of this he questioned how Kent Police were supposed to be aware of where such criminals lived. He said he was also aware of one particular individual who had lived at an address in Ashford for 30 years but had never been included on an Electoral Register. Mr Relf asked whether this issue would be addressed.

The Portfolio Holder for Core Services said he took Mr Relf's point and said it was very difficult to chase up people who did not record themselves on the Electoral Roll. He said that if Mr Relf had particular information he would pursue it. In terms of the issue of drug dealing he said that that was a matter for the Police.

Mr Relf then referred to Benefit Fraud and said that the Council wished to save £780,000 by April 2013 by requiring some Benefit claimants to pay a percentage of their Council Tax. He said that in some cases the Council may inevitably capture vulnerable people in terms of this 10% contribution. He said that he believed that Benefit Fraud in Ashford was between 50% and 55% and commented that if this was tackled by up to 30% in Council Tax alone, this would save in the region of £2.5 m. In view of this he asked whether there would be a more rigorous approach to tackling Benefit Fraud in the coming year.

The Portfolio Holder for Core Services said he was delighted that Mr Relf knew that 55% of Benefit Fraud existed in Ashford and said that the Council would wish to follow that up. He therefore asked Mr Relf to provide any information or details he had. He stressed that the Council's Fraud Unit was both very positive and proactive and had recovered significant amounts of money. They, however, could not check every property and resident in the Borough.

Mr Relf referred to the Chilmington Caravan Site and the comment made by the Portfolio Holder for Housing and Customer Services in the Kentish Express and that it was hoped that the residents of the site would take pride in where they lived. He said that a mobile home had been moved from the right hand shower block to the new one on the other side of the site. He asked when would the two plots by the old shower block be occupied bearing in mind the money the Council had recently spent on the site.

The Portfolio Holder for Housing and Customer Services said that the new block had cost £49,000 and was covered by the Council's insurance. Larger areas had been

provided on the site and it was hoped that the residents would take pride in the site. The Portfolio Holder said she agreed that quite a lot of money had been spent last year tidying up the site and explained that the mobile homes had been moved to allow everybody to have their own areas to take responsibility for rather than the Council and therefore the Council would no longer have to spend significant sums in the future in tidying it up. In terms of the vacant plot, she said she understood that there was interest from persons wishing to move on to the site.

Resolved:

That the Minutes of the Meeting of the Council held on the 18th October 2012 and the Extraordinary Meeting held on the 30th October 2012 be approved and confirmed as correct records.

270 Announcements

(a) Burns Night

The Mayor announced that he was holding a Burns Night supper at the London Beach Hotel on 26th January 2013 and referred to the leaflets which had been left for each member of the Council. He said he hoped there was as much support as possible from the Council to make it a successful night.

(b) Christmas

The Mayor invited all those present to join him for refreshments in the Committee Rooms after the meeting.

(c) Deputy Leader

The Deputy Leader said that as the year was drawing to a close he wished to take the opportunity to reflect on the progress the Council had seen in the last 12 months and to mention some of the developments on the horizon. He explained that at the beginning of the year the Council had announced that it was pressing ahead with rolling out a limited solar panel installation programme. Initial plans were unfortunately put on hold after the Government's proposal to reduce potential income from the scheme but he said that a window of opportunity had opened to allow the Council to embark on a smaller scale scheme which was undertaken immediately. He considered that the move demonstrated the Council's ambition to be at the forefront of using sustainable energy in reducing its carbon emissions.

The Deputy Leader said that in the Spring there had been a fantastic number and variety of small, medium and large celebratory events throughout the Borough to celebrate the Queen's Jubilee and the Summer had seen the Olympic Torch travelling through the Borough on its way to the Capital. He considered that both events showed how everyone could come together to celebrate in style and he believed that this demonstrated the strong community spirit that was evident across the Borough.

Another highlight of the year was Ashford Borough Council's successful Portas Pilot bid. The Borough had beaten 400 towns to be selected by the Government to become one of the retail guru Mary Portas' pilot high streets. Ashford had been one of only 27 winning bids which would now see the Town Centre benefit from invaluable support, advice and extra funding. The bid had been highlighted for its innovative proposals and the way it embraced new technology as well as providing a good case study for other towns to follow.

Major plans for a country park in Ashford had moved a step forward as the Council had approved the overall vision for Conningbrook Lakes and now a planning application had been submitted by the land owners, Bretts. The Deputy Leader said that for many years the Council had wished to give Ashford a country park where people of all ages could enjoy both the wide range of leisure activities from swimming and kayaking to nature walks and where wildlife could thrive in its own special environment. He said that this dream was now closer to becoming reality.

Work had also begun on a dedicated cycle and pedestrian link between Park Farm and the Town Centre. As Ashford's population continued to grow the Council had to ensure that people had a choice when it came to travel.

Another major achievement for the Council was securing £1.3 m from the Homes and Communities Agency which would enable the Council to continue to build much needed Council homes for local residents. The Council had successfully bid for over £5 m in the past few years which had funded 78 new homes. This latest grant would fund another 59 homes over the next three years. The Deputy Leader said that there was very strong evidence that confirmed the continuing acute housing need in Ashford and the Council had been proactive in trying to address the situation, mindful of the increased need for housing given the current financial climate. This programme was just a part of the overall range of practical measures that the Council had put in place to tackle this important issue and only a few weeks ago figures from the National Housing Federation had shown Ashford's waiting list had the largest fall in Kent over the last ten years and one of only two Authorities to see such a fall.

Another positive development next year would be the introduction of a new, improved recycling service which would provide more recycling opportunities and make significant savings in the cost of the current collection arrangements. In October the Council had entered into a Joint Waste Contract with Maidstone and Swale and one of the best recycling contractors in the Country, Biffa. Nine out of the ten English Councils with the best recycling rates in the Country used the same system that the Council was introducing and Biffa already worked with three Local Authorities in the top five recyclers in the UK for 2011/12 with seven Councils in the top 30.

The Deputy Leader said that next year the Council would face many challenges, with rolling out a brand new recycling service, the introduction of welfare reform and increasing uncertainty over Government funding as they tackled the deficit. He said, however, that he had every faith that the Council was ready for these challenges and through strong leadership, prudent financial management and hard work from Officers and Members 2013 would be a great year for the residents of Ashford.

In conclusion, the Deputy Leader said he wished all colleagues and all residents a Merry Christmas and a Happy New Year.

271 Cabinet 30th October, 8th November and 6th December 2012

The report of the Head of Legal and Democratic Services, which had been tabled, clarified the procedure for consideration of the Cabinet Minutes.

(a) Cabinet 30th October 2012

Resolved:

That the Minutes of the meeting of the Cabinet held on the 30th October 2012 be received and noted.

(b) Cabinet 8th November 2012

Councillor Bartlett referred to Minute No. 209, Commercial Quarter – Update and Future Development Framework and said that part of the Quarter development was dependent upon moving the Kent Wool Growers to a rural site in Sevington adjacent to St Mary's Church. He said that some colleagues would be concerned about moving a retail development to such a location. Furthermore, he said that developers wished to build out the Sevington site by August 2014 without any improvements to Junction 10 being delivered until 2017 and with work not even commencing until 2016. He said that improvements to Junction 10 were poorly thought out and fell well short of what was required by the Core Strategy. He said that this meant that users of Junction 10 would compete with 250 lorry trips per hour without any improvement for three years. He therefore asked whether the Commercial Quarter Design and Delivery Framework would be revised to incorporate the impact that it would have on the Council's rural communities by displacing commercial activities to rural sites.

The Mayor said that he understood the question and that the Deputy Leader would respond but, however, he believed that the issues related to the planning application.

The Deputy Leader said that he would be happy to submit a written reply to Councillor Bartlett after consulting with the relevant Planning Officers.

Resolved:

That the Minutes of the meeting of the Cabinet held on the 8th November 2012 be received and noted.

(c) Cabinet 6th December 2012

Councillor Davison referred to Minute No. 244 – Creating Local Authority Trading Companies and said that the formation of Trading Companies represented an important addition to the Council's responsibilities and therefore he believed that it

should have been discussed with all Councillors before being brought to the Cabinet. Councillor Davison said that the term Trading Company was a very wide brief and remained undefined to allow the Council to go in many directions. He said that for a Council that had recently reduced its staffing levels by 10% and at a time of increasing workload, to say that the Chief Executive and Council Leader had time to be Executive Directors left doubt in his mind. He said that although Council Members and Officers would not receive payment as Executive Directors he pointed out non-Executive Directors would and therefore there would be expenses and fees. He also had doubts that the Council had the right levels of expertise and said that you only had to look at the Council's record in past projects either as a Manager, consultee, or adviser. He asked Members to reject the recommendation and asked for full Councillor consultation to be undertaken to examine the need for a Trading Company.

The Deputy Leader said that the report on Trading Companies was brought forward to agree as a matter of principle and not the detail. He explained that this was discussed with a number of leading Members and Group Leaders and furthermore with Group Leaders the previous week. He had emphasised that it was a matter of principle only and that there would be no leakage in the Council's finances as if the companies went ahead as envisaged, they would bring an income and not be a drain on the Council's resources. Furthermore he said that the Chief Executive and Officers were very able to deal with this and clearly if there was a need for more expertise in a particular area that expertise would be obtained. He said that he believed it was a sensible way forward and commented that Councillor Davison had not raised the issue in detail at the Group Leader meeting.

The Mayor advised that the Minute was a resolved item.

Resolved:

That subject to the expiry of the period by which decisions arising from the meeting of the Cabinet held on the 6th December 2012 may be called in ie 19th December 2012:

- (i) the Minutes of the Meeting of the Cabinet held on the 6th December 2012 be received and noted with the exception of Minute Nos. 235, 236, 237 and 239.
- (ii) Minute Nos. 235, 236, 237 and 239 be approved and adopted.

In accordance with Procedure Rule 15.5 Councillor Davison asked for it to be recorded that he had abstained from voting on Minute No. 244.

272 Audit Committee – 4th December 2012

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 4th December 2012 be received and noted.

273 Selection and Constitutional Review Committee – 6th December 2012

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 6th December 2012 be approved and adopted.

274 Members' Allowances – Recommendations from the Members' Allowances Independent Remuneration Panel

The report advised that the Members' Allowances Independent Remuneration Panel had met on the 11th December 2012 to review the level of Special Responsibility Allowance payable to the newly created Lead Members. A full note of the Panel's recommendations was included within the report.

Councillor Davison said that three Lead Members had been appointed by the ruling group with a recommended allowance of £1,872.07 each. He said that for some time it had become clear that some Members had felt that they should hold a Cabinet position and he therefore said he wished to put the view to the Council that rather than create extra positions at additional cost, the Leader should shuffle his Cabinet. He considered that the change in the structure of the Council tightened the grip the Leader had on the business of the Council and said it had not been discussed with all Councillors. He said he was not convinced of the need for the positions and therefore would abstain when the vote was taken.

Councillor Michael said he wished to understand why it was necessary to make the appointments and asked what added value did they give which could not already be served by existing Committees and existing Portfolio Holders.

The Deputy Leader said he wished to thank Councillor Davison for his advice to the Leader to shuffle his Cabinet and said that no doubt that when he was in the administrative party he would decide upon his own Cabinet. The Deputy Leader said that he was also surprised that this issue had been raised now because it had been dealt with in May 2012 by the Selection and Constitutional Review Committee and its recommendations had been approved at the Annual General Meeting. At that time no issues were raised. He said that the Leader and the Cabinet were keen to widen the consideration of the decision-making process and by having three Lead Members it did just that. He also explained that the Council was required by regulations to refer the matter to the Independent Remuneration Panel and it was their recommendations on the level of allowance before the meeting. Furthermore the Panel had pointed out that there had been no review of Members' Allowances since 2008 and they were keen for this to be rectified in 2013.

Resolved:

- That (i) a Special Responsibility Allowance payable to Lead Members of £1872.07, as set out in the Panel's report, be approved.
 - (ii) it be noted that the Panel intends to meet in May 2013 to review the full level of allowances payable under the Members' Allowances scheme.

In accordance with Procedure Rule 15.5 Councillor Davison asked for it to be recorded that he had abstained from voting.

275 Questions by Members of which Notice had been Given

(a) Question from Councillor Yeo to Councillor Clarkson, Deputy Leader of the Council

"After the implementation of regulations for Houses of Multiple Occupancy initiated by the Council in the Summer, when are the Council planning on assessing their effectiveness and rolling them out to at least the other urban wards in the Borough?"

Reply by Councillor Clarkson

"Mr Mayor, I thank the Member for the question. When the Planning Committee confirmed the Article 4 Directions in four wards in the Borough in January 2012 it requested that the Planning and Development Unit keep the situation of HMO's in the rest of the Borough under constant review and make necessary Directions in other wards should the need arise. Officers are carrying out this monitoring all the time by looking at the applications coming forward for Licensing under the Housing Acts and any concerns raised by local people about the effects of concentrations of HMO's in any particular area. As things stand Officers are not currently aware of any substantial evidence of a need to make other Directions elsewhere".

Supplementary Question by Councillor Yeo

"In that instance then, I would ask that we review what is going on in Norman Ward because when I walk up and down Beaver Road and around the roads behind, I am constantly getting asked what we are going to do about Houses of Multiple Occupancy. This is a family area, it is getting blighted by late night alcohol outlets. Houses with high density of young men, you have a mixture of young men, alcohol, parties and fun and that is not a mixture that is good for bringing up children and trying to get them to sleep, so I would ask that it is reviewed and for the other urban Wards as well".

Reply by Councillor Clarkson

"Mr Mayor, I am very happy to arrange for that to happen but I would say this to Members, if this is of that much concern I very much regret that you bring it to this meeting of Full Council because as soon as they emerge I would urge you to bring it to the attention of Officers so that they can address these issues at the earliest opportunity rather than now because I know that other Members, Councillor Smith for example has done just that and we do need to know early because early intervention and early notification allows our Officers time to really look into these matters and form a very clear understanding of the situation".

(b) Question from Councillor Yeo to Councillor Hicks, Portfolio Holder for Housing and Customer Services

"How many households are there on the Council House waiting list?"

Reply by Councillor Hicks

"Well the short answer is 1,303 but I would like to expand a little bit if you will allow me, because in the 2011 Census with Ashford's population it has increased 13% since 2001 with an additional 6,350 households in the Borough and between 2001 and 2011 the number of people waiting for social housing in Ashford actually reduced which was the largest decrease in the County. Also, as the Deputy Leader has already said we have got £6.3 million of funding from the HCA which so far has delivered 78 affordable homes with 59 more promised by 2015 and in the rural communities over the last 20 years 340 local needs houses have been built. Homes for people with local connections in Ruckinge, Bilsington and Biddenden opened this year meaning that families can stay together. All the agencies are trying very hard to bring empty homes back into use. Recently, ABC signed up with KCC under the new No Use Empty scheme and even the Moat update for December for Stanhope Residents was asking residents to look out for any abandoned homes, so I hope you will agree with me that we've got all the methods to bring homes back into use for those who are on our waiting list and that all the different ideas have been pursued".

Supplementary Question by Councillor Yeo

"No, I don't think we are doing enough and what I would like to know is, just because we don't have to have social housing in Chilmington Green, why are we building 5,000 houses without any social houses. We are choosing not to do it and frankly the best that we are doing is not good enough, so why don't we have any social housing in Chilmington Green if we need the 5,000 houses that badly?"

Reply by Councillor Hicks

"I think this is going to be a matter for the Section 106 Agreements as regards Chilmington Green and I haven't really got any further comments, but we can

investigate through the Planning Department or Councillor Clarkson has got an answer for you".

Reply by Councillor Clarkson

"Well the first thing is as you know this is with the Inspector at the moment so I wouldn't want to comment further on that, but of course we are concerned about the housing waiting list and as you've heard we are using all the avenues open to us but also the business of the Company now, the Housing Company is another one that will try and address those issues and I think that's a very important aspect, it's another string to our bow so I think we are very conscious and we share your concern and I am just pleased to hear that we have had a reduction in our waiting list. It is a pretty formidable situation to find where you have a growing population all the time and we are trying to get on top of that, but we are using everything at our disposal to do so".

Supplementary Question by Councillor Bartlett

"Chilmington Green in the Core Strategy requires the developer to deliver 30% of the housing as affordable, that's a great starting point and that will go a long way to addressing some of your concerns. What the developer has offered as part of their submission is 10%, a long way short. My question is what is the view of the Portfolio Holder on developers who take that approach to their planning applications?"

Reply by Councillor Hicks

"That's a very leading question of course. I'd be a fool to say yes and I'd be a fool to say no, but I am sure you have a lot of Christmas mirth over there. I think it's regrettable actually that we can't all work together. It is a definite need that we have for all this social housing, and I know for instance that Pentland Homes in particular are trying very hard to get one of their schemes off which would produce a lot of homes in the sheltered housing scheme and if we can get homes like that on there, I think that would go some way to meet the difference, but I agree with you we can't always get the policies we want".

Reply by Councillor Clarkson

"Mr Mayor, we have to remember a number of things, some of our planning applications were able to secure more of the local needs affordable housing and we do that because that helps us to offset some of the others that are short. Now we have to have regard to Government policy and Government policy does require us, it doesn't ask us, it requires us to look at sustainable development and some of the development has got to also be viable and the Government have indicated that there is a lot of drain on development by the demands we put on for a whole range of things under 106 Agreements, so we are obliged to look at them and we engage as a Council professional external agencies who look at the proposals from developers so whilst we all would like to see the maximum number of social housing we have to work in within that framework in this tough economic climate".

(c) Question from Councillor Yeo to Councillor Mrs Blanford, Portfolio Holder for Environment

"The bollards in Beaver Road are constantly out of order, what action is the Council taking to rectify the situation?"

Reply by Councillor Mrs Blanford

"Thank you Councillor Yeo for your question. The Beaver Road bus gate is the responsibility of the KCC Highway Department. Officers have contacted KCC in respect of the long periods for which it has been non-operational. They have been assured that KCC are currently attempting to restore the system to full operation, and I believe it was working this morning satisfactorily, however, we don't think this is good enough and our own Borough Council Officers are investigating the possibility of replacing the existing bollards with a fixed camera enforcement system. Without a physical barrier it is believed that such a system would avoid the current disruption and delay to authorised users of the route while providing a credible deterrent to unauthorised users".

Supplementary Question by Councillor Yeo

"I thank you for that answer and I would just ask if you could assure me that rather than accept KCC's assurances, give them more nagging because actually that's becoming a rat run again and once again this is impacting upon the family environment of the area and people are very scared for their children's safety".

Reply by Councillor Mrs Blanford

"I would be very happy to ask the Officers to nag KCC, we do it quite a lot as you are well aware and I will press them to have a good look at the scheme which we are putting forward which I think will save a lot of trouble".

(d) Question from Councillor Yeo to Councillor Mrs Blanford, Portfolio Holder for Environment

"Speeding in residential/school areas is a blight across the town, what steps are the Council taking to bring about a safer environment across the Borough?"

Reply by Councillor Mrs Blanford

"Well as I think Councillor Yeo is probably well aware, speeding comes under the Police and the County Council to take action against. We are looking at various ways and as she will be aware, there are residential parking schemes within the Borough which do help to slow down the traffic though of course we don't really want residents parking near schools because then there is a danger to children crossing the road between parked cars.

Supplementary Question by Councillor Yeo

"Would the Portfolio Holder be willing to consider a 20 mile an hour blanket speed limit across the urban area. The more that we knocked on doors during the PCC campaign, the more this was asked for. It's not something that makes my heart sing with joy because I don't like driving that slowly, but it does resonate with parents of small children and it's something that would make a huge difference and that's not something that I thought of that is something that I was asked to ask, time, time and time again?"

Reply by Councillor Mrs Blanford

"I will certainly take that on board but it is a question of enforcement. The Police don't like reducing speed limits to a position where they can't enforce it but we will take it on board, as you know the various villages have reduced their speed limits to 30 mph and will bear it in mind, but I can't promise action because we have to work with the Police on it".

Canania Creatings

276 Season's Greetings
The Mayor wished all Members and Officers a Merry Christmas and a Happy New Year.
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Ashford Borough Council

Minutes of an Extraordinary Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **10**th **January 2013**

Present:

His Worshipful the Mayor, Cllr R K Davidson (Chairman);

Cllrs. Apps, Bennett, Mrs Blanford, Burgess, Chilton, Clarkson, Claughton, Clokie, Davison, Mrs Dyer, Feacey, Galpin, Heyes, Howard, Mrs Hutchinson, Link, Marriott, Mrs Martin, Michael, Mortimer, Robey, Sims, Taylor, Wedgbury, Wood, Yeo.

Apologies:

Cllrs. Adby, Adley, Bartlett, Buchanan, Clarke, Davey, French, Hicks, Hodgkinson, Shorter, Smith.

Also Present:

Chief Executive, Deputy Chief Executive, Principal Solicitor – Strategic Development, Finance Manager, Senior Communications Officer, Member Services and Scrutiny Manager.

294 Local Council Tax Support – Recommended Scheme, Post Public Consultation

The Council considered the report of the Revenues and Benefits Manager, the paper tabled at the meeting of the Cabinet and the recommendations of the Cabinet Meeting on the 10th January 2013 relating to this matter.

Resolved:

That the Recommendations of the Cabinet held on the 10th January 2013 be approved and adopted.

295 Non-Domestic (Business Rates) – approval of NNDR1 Form

The Council considered the report of the Revenues and Benefits Manager and the recommendation of the Cabinet meeting on the 10th January 2013 in relation to this matter. In response to a question the Portfolio Holder for Core Services advised of the process which would follow the approval of the provisional NNDR1 Form.

Resolved:

That the Recommendations of the Cabinet held on the 10th January 2013 be approved and adopted.

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