

Cabinet

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

Present:

Cllr. Wood (Chairman);

Cllr. Clarkson (Vice-Chairman);

Cllrs. Mrs Blanford, Claughton, Heyes, Howard, Taylor.

Apologies:

Cllrs. Aaby, Adley, Bartlett, Buchanan, Clark, Davey, French, Hicks, Hodgkinson, Shorter, Smith.

Also Present:

Cllrs. Apps, Bennett, Burgess, Chilton, Clokie, Davidson, Davison, Mrs Dyer, Feacey, Galpin, Mrs Hutchinson, Link, Marriott, Mrs Martin, Michael, Mortimer, Robey, Sims, Wedgbury, Yeo.

Chief Executive, Deputy Chief Executive, Head of Environmental Services, Head of Planning and Development, Head of Customers, Homes and Property, Head of Cultural and Project Services, Principal Solicitor – Strategic Development, Project Office Manager, Revenues and Benefits Manager, Strategic Housing and Property Manager, Finance Manager, Senior Communications Officer, Member Services and Scrutiny Manager.

282 Minutes

A Member referred to Minute No. 243 - Ashford's Memorial Gardens – Remembrance Area Project and advised that the item had been deferred for further consideration. He said he had concerns that it had not been brought back to Members, and in particular he had noted in the local press that the scheme had now been approved by the Officers using their delegated powers. He believed that Members should have had an opportunity to comment further on the scheme. The Chairman confirmed that if an issue deferred for further consideration related to a matter of substance it would of course be brought back before Members. The Vice-Chairman indicated that the decision purely rested on the location of the site for the garden, but said that he took the Member's point regarding items of substance being brought back to Members for consideration.

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 6th December 2012 be approved and confirmed as a correct record.

283 Joint Transportation Board – 11th December 2012

Resolved:

That the Minutes of the Meeting of the Joint Transportation Board held on the 11th December 2012 be approved and adopted.

284 Application for the designation of a Neighbourhood Area for Wye with Hinxhill Parish

The report provided information about the process of designating a neighbourhood area under Section 61G of the Town and Country Planning Act 1990 and considered the application for designation submitted by Wye with Hinxhill Parish Council.

The Portfolio Holder for Community and Wellbeing advised that the issue was a matter of statutory procedure and that preparatory work had been undertaken locally to draft some guiding principles for the Neighbourhood Plan. He considered that the support from the local community was important and explained that a programme of public consultation was underway. He hoped to keep Members informed of progress in due course.

Resolved:

That the application be approved and the Parish of Wye with Hinxhill as shown edged red on the plan at Appendix 1 to the report be designated as a neighbourhood area.

285 Stour Centre Essential Repairs and Proposed Invest to Save Project

The report set out the scope of works and the estimated cost of invest to save measures and essential roof repairs required to the old part of the Stour Centre building, including an assessment of the most cost effective method of providing heating and power to the Civic and Stour Centre buildings.

In accordance with Procedure Rule 9.3, Mr Sandford advised that he managed Godinton House and Estate and was currently the Chairman of the Kent Branch of the Country Land and Business Association representing over 1,000 members with farms, forestry and rural businesses in Kent. He advised that he had received a grant from SEEDA to examine the use of biomass. He said he would like to raise a question concerning the proposed refurbishment of the Stour Centre, specifically the use of gas as opposed to biomass for heating. He said that he did not think the long term benefits for the local economy, rural job creation and the management of the landscape with environmental benefits had been thoroughly considered. He gave examples of the use of biomass within the country by Reigate and Bansted Borough

Council, and also in parts of Stansted and Heathrow airports. He explained that the various reports and Feasibility Studies commissioned by the Borough Council had concluded that biomass was the best renewable fuel for the Borough. In view of this he considered that the Council should take the lead in promoting and encouraging sustainable local business and explained that there were robust supply chains for wood fuel and in particular in the region of 50,000 tonnes of wood which could be used each year in the Borough. This would be a benefit to the local economy rather than paying for gas which came from outside the country. He considered that the Council should take the lead in promoting and encouraging sustainable local schemes and questioned how would the burning of gas for the next 15 years help meet the Government's CO₂ emission targets or reduce reliance on imported fossil fuels. He hoped that the Cabinet would reconsider its recommendations.

The Project Office Manager said that there was a choice between the environmental benefit of using biomass and the commercial benefit of using CHP.

The Vice-Chairman confirmed that the Council wished to promote renewable energy throughout the Borough and he gave examples of steps taken by the Council in terms of photovoltaic panels. He indicated that the Council did, however, need to take into account value for money and the commercial aspects of such arrangements.

The Portfolio Holder for Youth and Sport explained that the report presented a package of improvements to the Stour Centre and the CHP and biomass issue was just one aspect. He believed it was important to get the work done and in particular that a decision needed to be taken sooner rather than later to allow for a replacement heating system to be in place before next winter.

A Member advised that he had had several email exchanges with officers over the proposal and said that this had been very helpful. However, he believed that some of the figures presented for biomass in the report were incorrect. He also advised that there had been no mention of carbon certificates. He considered that work should be undertaken in terms of presenting the wood price and the gas price index and he also pointed out that it appeared that no work had been undertaken in terms of consideration of a non interruptible gas supply option. In terms of biomass systems he advised that modern systems were very reliable. In conclusion he asked that the matter be deferred for consideration by specialists.

Another Member said he believed that the project was extremely important and said he was disappointed that the Overview and Scrutiny Committee had not had an opportunity to look at the issue before it was submitted to Cabinet. He asked the Chairman whether he would be supportive of the Overview and Scrutiny Committee examining the biomass and the CHP heating issue.

The Chairman believed that it would be a useful exercise for the Overview and Scrutiny Committee to undertake and considered it could also deal with issues of the future use of the unmodified parts of the Centre.

The Chairman also said that he understood that residents wanted value for money, and therefore considered it would be appropriate for the financial figures to be

reassessed, particularly in terms of the volatility of gas prices and further sensitivity work to be undertaken and a reappraisal of the financial aspects of this scheme.

Resolved:

That subject to more sensitivity work being undertaken, and a reappraisal of the financial aspects of this scheme and subject to any recommendations following a review by the Overview and Scrutiny Committee:-

- (i) the appropriate Heads of Service be authorised to implement a new CHP plant, new roof covering and the installation of photovoltaic (PV) panels and other energy saving measures in/on the old Stour Centre building within the capital budget of £1.95m, including the appointment of specialist design consultants and works contractor/s.**
- (ii) the resulting heating and power costs savings estimated at £3.33m over 15 years be ring fenced to fund: proposed project works noted in (i) above, replacement of the CHP plant and any future re-ordering and repairs to the Stour Centre (un-refurbished area) approved by the Cabinet.**
- (iii) the use of £110,000 of Developer Section 106 Contributions which result from Core Strategy Policy CS10 (related to sustainable design and construction) be approved to fund energy saving measures.**
- (iv) the appropriate Heads of Services be authorised in discussion with the Portfolio Holder to prepare options/proposals in discrete packages for the balance of building repairs and re-ordering to the old area of the Stour Centre in order to maximise the potential leisure offer and business opportunity and to extend the life of the building by 20 years.**
- (v) the Deputy Chief Executive be granted delegated authority to borrow to fund the project expenditure up to the amount indicated in the report.**

286 Remodelling of Farrow Court, South Ashford

The report sought approval to undertake the remodelling of the existing Farrow Court Sheltered Housing Scheme, together with adjacent land. Tabled at the meeting was a revised Recommendation (iii).

The Head of Customers, Homes and Property explained that the project would increase the number of units, enhance day and dementia care and would also provide support for people with disabilities at all levels. The Council was working collaboratively with Social Services on the scheme, and funds within the Housing Revenue Account would allow the scheme to be undertaken and would also allow the Council to move to a second scheme in due course. The Portfolio Holder for Community and Wellbeing suggested that representatives of Ashford Access Group be involved with the project.

The Ward Member said he supported the scheme and that there was a need to bear in mind that there would be significant upheaval for residents and that this needed to be carefully managed.

In response to a question about the procurement process, the Head of Customers, Homes and Property advised that the report set out details of the traditional method of procurement but explained that the Council was procuring the contractor for the scheme via another partner. In terms of the timetable, the Head of Customers, Homes and Property accepted that the timetable was tight, and said that funding was being provided by the Homes and Communities Agency, which had to be spent by March 2015.

Recommended:

- That**
- (i) the Council join the Orbit Housing Association Framework to carry out the works, and the use of a Project Partnering Contract PPC 2000 to deliver the remodelling of Farrow Court be noted.**
 - (ii) the commercially led approach to procurement in line with the Council's 2030 Framework and the selection of a local contractor to carry out the construction works for the remodelling of the Farrow Court Scheme in line with procurement law be noted.**
 - (iii) the contractor as set out in Exempt Appendix 2 be appointed to carry out the works subject to Ashford Borough Council having first joined the Orbit Framework and complied with any terms that precede the Council's drawing down a contractor from it.**
 - (iv) a funding cap of £13.0m of Housing Revenue Account resources over the next three financial years for the remodelling of the Farrow Court Scheme be approved.**
 - (v) the creation of a Project Board to oversee the delivery of the remodelling be noted.**
 - (vi) the Head of Customers, Homes and Property, Deputy Chief Executive and Strategic Housing and Property Manager be given delegated authority, in conjunction with the Leader of the Council, to make changes to the remodelling of the scheme within the affordability envelope as outlined in Recommendation (iv).**
 - (vii) a funding application to the Homes and Communities Agency under the Care and Support Specialised Housing Fund to support the remodelling be made.**
 - (viii) the Head of Legal and Democratic Services in consultation with the Strategic Housing and Property Manager be given authority to execute and complete all necessary documentation to give effect to recommendations (i) to (vii).**

287 Discharging Statutory Homelessness Duty into the Private Rented Sector

The report advised that the Localism Act 2011 made significant changes to the way in which Local Authorities could deal with applications for social housing and homelessness applications. The report detailed those changes and set out the policy framework within which Kent Authorities proposed to deal with such cases.

The Vice-Chairman said he had concerns that some residents of the Borough may be living in private rented accommodation which was not up to the standard the Council required and therefore advised that he had asked the Head of Customers, Homes and Property to see whether it was possible to introduce a voluntary scheme for landlords in the Borough with a view to achieving an equity in quality.

The Head of Customers, Homes and Property advised that there were a number of good landlords in Ashford and considered that the issue could be discussed at a future Landlord Forum.

The Chairman considered that the outcome of the discussions with the Landlord Forum should be subject to a further report back to the Cabinet in due course.

A Member, whilst welcoming the report, said that she believed that the minimum of a one year lease was not sufficient as it could be that families had to move on every year which was not an ideal situation for children.

In response to a question, the Head of Customers, Homes and Property advised that it was always a risk for Ashford that homeless people from outside the area would seek assistance from the Council. She said that she considered that Officers worked well with local landlords to prevent homelessness occurring and although initial leases were only offered for a year, it was always hoped that they would be renewed for longer periods.

Resolved:

- That**
- (i) the proposed policy for discharging the statutory homelessness duty into the Private Sector, attached as Appendix A to the report, be approved.**
 - (ii) the Head of Customers, Homes and Property report back to a future meeting of the Cabinet regarding options for establishing a voluntary Licensing scheme for Private Sector Landlords.**

288 Chilmington Gypsy and Travellers Site Policy

The report consolidated the working practices and procedures for the management of the Chilmington Gypsy and Travellers Site to produce a policy document. The document reflected best practice and provided a practical approach to the management of the site.

The Head of Customers, Homes and Property advised that there had been improvements on the site and in particular there had been a significant reduction in the number of incidents of fires. In response to a question, the Head of Customers, Homes and Property advised that a health and safety risk assessment had been undertaken for the operation of the site.

Resolved:

That the policy for the Chilmington Gypsy and Traveller Site be approved.

289 Introduction of a Garden Waste Collection Service

The report advised that the Council's 5 Year Business Plan had been approved by the Council on 17th February 2011 and as part of that Business Plan the Council was committed to the introduction of a new recycling and street cleansing service and the introduction of a garden waste collection service. The report provided an update to the Cabinet on the introduction of a garden waste collection service and sought approval to proceed.

The Portfolio Holder advised that the proposed charge of £30 was comparable with other schemes in Kent.

The Vice-Chairman also advised that the service would collect garden waste on a fortnightly basis over 25 weeks of the year. Although the service would commence from April 2013, the subscription period would be from the 1st June to 31st May.

Recommended:

- That (i) the introduction of a garden waste collection service from April 2013 be approved.**
- (ii) a service charge of £30 per annum, rising to £35 in two years be approved.**

290 Revenues and Benefits Recommended Write-Offs Schedule

The report proposed the formal write-off of 227 debts totalling £242,089.35. The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy. The existing bad debt provisions already more than covered the sums involved.

In response to a question from a Member, the Revenues and Benefits Manager advised that currently the Council was not liable for the non-payment of Business Rates. However from 1st April 2013, 50% of those debts would be the Council's responsibility. He also explained that as soon as a debtor missed a payment this would generate a letter to them and if the debt still remained unpaid, the Council would proceed to issue a Court Summons.

Resolved:

- That (i) the action that accounts totalling £37,822.10 had been written-off under delegated powers (Financial Regulations 11.1) be noted.**
- (ii) the write-offs listed in the Exempt Appendices to the report totalling £204,267.25 be approved.**

Recommended:

That delegated authority be granted to the Deputy Chief Executive and the Financial Services Portfolio Holder to write-off amounts over £1,000 of uncollectable Business Rates debts during the period 15th March to 31st March 2013.

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

The report advised that following the Cabinet decision of the 6th December 2012 to confirm the Local Council Tax Support Scheme to be operated from the 1st April 2013 the Government advised that the national scheme was to be abolished from the 31st March 2013 and therefore there was a need for the Council to establish its own scheme.

Tabled at the meeting was a revised set of recommendations which had been drafted on the basis of a review undertaken by the Head of Legal and Democratic Services.

The Portfolio Holder also advised that the scheme proposed by the Council would disregard war disablement pensions, war widows', and widowers' pensions and related payments for the purposes of calculating relevant incomes.

Recommended:

- That (i) a Council Tax Reduction Scheme under Section 13A(2) of the Local Government Finance Act 1992 relating to the financial year beginning with 1st April 2013 ("Scheme") be made, incorporating:-**
- (a) the principles set out in sub-paragraphs 39(a) to (d) of the Deputy Chief Executive's report to the Cabinet on the 6th December 2012; and**
 - (b) the principles set out in paragraph 40 of that report; and**
 - (c) the existing local scheme operated by the Council whereby war disablement pensions, war widows' and widowers' pensions and certain related payments set out in Schedules 6A and 8A of Appendix 1 to the report are disregarded for the purposes of calculating relevant incomes; and**

- (d) all other elements of the Default Scheme prescribed by the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (as amended or replaced as the case may be by any amending or replacement Regulations made on or before 31st January 2013), except those elements which prescribe a greater maximum Council Tax reduction for any case or class of persons than that set out in sub-paragraphs 39(a) to (d) and 40 of the Cabinet Report referred to above.
- (ii) the draft of the Scheme entitled “The Council Tax Reduction Schemes (Ashford Borough Council) 2013” at Appendix 1 to the report be approved subject to such textual amendments as the Head of Legal and Democratic Services shall make on or before the 31st January 2013, in consultation with the Deputy Chief Executive, in order to ensure that the Scheme is appropriately drafted, clear and legally effective and achieves the principles set out above.
- (iii) the Head of Legal and Democratic Services be granted delegated authority to make such textual amendments to the draft Scheme and to issue the final Scheme on behalf of the Council on or before 31st January 2013.

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

The report advised that from 1st April 2013 the Government had changed the funding arrangements concerning Business Rates. From 1st April Councils would retain some of the rates collected and Government now required that the NNDR1 Form (estimate of Business Rate yield) be approved by the Council. The Portfolio Holder also drew attention to the recommendation that delegation be given to him and the Deputy Chief Executive to agree any changes to the provisional NNDR1 Form necessary before final submission. In this regard he advised that the MTFP Task Group would meet before the 31st January to consider the final form.

Recommended:

- That
- (i) the provisional NNDR1 Form attached to the report be approved.
 - (ii) authority be delegated to the Portfolio Holder for Core Services and the Deputy Chief Executive to agree any changes to the provisional NNDR1 Form necessary before final submission.

293 Schedule of Key Decisions to be Taken

The report set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.

Resolved:

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

(KRF/VS)
MINS:CAXX1302/VS

Queries concerning these Minutes? Please contact Keith Fearon:
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