

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13th June 2013**

Present:

Cllr. Clarkson (Chairman);

Cllr. Claughton (Vice-Chairman);

Cllrs. Mrs Bell, Mrs Blanford, Galpin, Heyes, Howard, Robey, Shorter.

Apologies:

Cllrs. Hicks, Marriott, Michael, Smith.

Also Present:

Cllrs. Bennett, Britcher, Chilton, Clokie, Davison, Mrs Dyer, Mortimer, Sims.

Chief Executive, Deputy Chief Executive, Head of Planning and Development, Head of Legal & Democratic Services, Head of Cultural and Project Services, Head of Customers, Homes and Property, Head of Business Change and Technology, Principal Solicitor – Strategic Development, Finance Manager, Policy and Performance Manager, Cultural and Youth Projects Leader, Assistant Communications Officer, Member Services and Scrutiny Manager.

31 Minutes

Resolved:

That the Minutes of the meeting of the Cabinet held on the 9th May 2013 be approved and confirmed as a correct record.

32 Adoption of the Housing Framework 2013-18 and Homelessness Strategy 2013-18

The report sought Cabinet approval of the Housing Framework 2013-18 and the Homelessness Strategy 2013-18 and recommended that they be adopted by Council. The report also gave an update on the outcome of the public consultation and subsequent amendments to the Draft Housing Framework.

The Head of Customers, Homes and Property said that the report largely advised that work was continuing as normal in terms of the delivery of homes and raising standards. She explained that paragraph 6 of the report set out the five overarching

priorities of the Housing Framework, and in paragraph 9 the priorities of the Homelessness Strategy.

Recommended:

That the Housing Framework 2013-18 and the Homelessness Strategy 2013-18 be approved.

33 Trading Companies

The report sought approval to the creation of two Local Authority Companies as outlined in the Business Plans set out in the Exempt Appendices for a Property Company and a Building Consultancy Company and for the Council to enter into the appropriate legal documentation and shareholders' agreements to set up the Trading Companies.

The Portfolio Holder said that he believed that this was an exciting opportunity for the Council to act in an entrepreneurial way and that it was a real business opportunity. He also drew attention to paragraph 6 of the report which explained that steps were being put in place to ensure that the company was set up to ensure a level playing field with the private sector.

In response to a series of questions from the Chairman, the Head of Customers, Homes and Property confirmed that officers had taken both appropriate professional and legal advice which had also included discussions with tax specialists. She also confirmed that any properties owned by the Property Company would not be subject to the Right to Buy legislation. The Deputy Chief Executive also explained that he and the Finance Manager had been closely involved from a financial point of view and he was happy with the proposals. He also confirmed that issues regarding risk management were detailed within the report.

In response to a question as to whether the funding for the Property Company would be made available in one sum, or on a piecemeal basis, the Portfolio Holder confirmed that the funding would be issued in tranches on the basis of loans which could be secured and for which interest would be paid. He considered that this presented a very low risk to the Council. The Chairman also explained that the Council would borrow money from the Public Works Loan Board at a given rate, but it would be lent to the Companies at normal commercial rates. He also confirmed that the Property Company would have assets.

The Head of Customers, Homes and Property also explained that full discussions had been held with Unison who had been very supportive of the proposals set out within the report.

Another Member said that whilst he was pleased to see provision for possible appointment of two outside Directors, he asked that if the Companies had difficulty repaying the loan, would this be dealt with in a transparent manner. The Chairman advised that at the Selection & Constitutional Review meeting immediately prior to the Cabinet they had recommended the establishment of a Committee of the Cabinet which would monitor the performance of the Companies. The Head of Legal &

Democratic Services also advised that members of the Trading and Enterprise Board agreed to be set up by the Selection and Constitutional Review Committee would not be advised by officers appointed to the Company board when dealing with that Company's matters and its Members would not be Directors of the Companies concerned.

Resolved:

- That
- (i) the Business Case as set out in Appendix 1 of the report for the Property Company and in Appendix 2 of the report for the Building Consultancy Company and the creation of the Companies be approved.**
 - (ii) Delegated Authority be granted to the Head of Legal & Democratic Services to complete all necessary documentation for the creation and registration of the Trading Companies, including the completion of the Shareholders' Agreement and agreeing the Company names for registration.**
 - (iii) Delegated Authority be granted to the Leader of the Council and the Chief Executive to enter into the documents mentioned at Recommendation (ii) above.**
 - (iv) the Governance Structure as set out within the report be approved.**
 - (v) the appointment of the initial Directors of the Trading Companies as set out in the report be approved.**

Recommended:

- That
- (i) Delegated Authority be granted to the Head of Legal & Democratic Services and (i) Deputy Chief Executive and (ii) the Finance Manager to draft and enter into the loan agreements between Ashford Borough Council and the Building Consultancy Company and the Property Company respectively.**
 - (ii) up to £10m be loaned to the Property Company.**
 - (iii) the revised Prudential Indicators as outlined in Appendix 3 of the report be approved.**
 - (iv) a Budget of £20,000 for the set up costs of the Companies be approved which will be funded from Revenue Reserves.**

34 Policy for the Application and Deployment of New Homes Bonus (NHB)

The report sought Cabinet approval for the strategic objectives which would enable projects to come forward for New Homes Bonus (NHB) funding and approval to fund those projects listed on the schedule attached to the report for 2013/14.

The Chairman drew attention to the proposed increase of the Ward Member grant to £4,000 per member. The Portfolio Holder for the Town Centre and Urban Economy said he was delighted to see so many of the proposed allocations of the NHB linked to the prosperity and growth of Ashford.

Resolved:

- That (i) **the strategic policy objectives set out in (a), (b), (c) below be approved as the basis for agreeing projects to be funded by New Homes Bonus**
- (a) furthering and supporting economic development and growth throughout the Borough;**
 - (b) pursuing quality in homes, infrastructure and design;**
 - (c) supporting communities by making funds available for local initiatives, particularly in respect of culture, arts and leisure – all areas that support the growth and sustainability of the Borough.**
- (ii) **the previously agreed guiding principles for the use of NHB be noted.**
- (iii) **the funding proposed set out in the schedule attached to the report be agreed.**

35 Singleton Park Project in Partnership with Great Chart with Singleton Parish Council and Trust for Conservation Volunteers

The report explained the progress made on the design of the Park and sought Cabinet approval to negotiate agreements with the Great Chart with Singleton Parish Council and the Trust for Conservation Volunteers (the trading name of BTCV, formerly the British Trust for Conservation Volunteers), for future management, maintenance and equipment renewal. It also set out the estimated capital and running costs of the Park, the methods of funding those costs, and sought approval to allocate funding to the project.

The Portfolio Holder said she was pleased to see the project coming forward, and confirmed that the Parish Council and the Trust for Conservation Volunteers would take on various aspects of the maintenance of the site.

The Vice-Chairman said he noted with delight the involvement of the children from the school in the project.

Resolved:

- That (i) the allocation of Section 106 Contributions to the project as detailed in Sections 10 and 11 of the report be approved.**
- (ii) the procurement of the Park, (Phase 1 Infrastructure excluding play equipment) be approved using the S106 funds held by the Council and the procurement of the Park, (Phase 2 Play Equipment) after the relevant S106 Contributions from the Knoll Lane development are received by the Council.**
- (iii) authority be delegated to the Head of Cultural and Project Services and the Head of Legal & Democratic Services, in consultation with the Portfolio Holder for Culture and the Environment, to negotiate and enter into Leases to:-**
- (a) transfer play equipment ownership and maintenance of the formal play area and equipment renewals to Great Chart with Singleton Parish Council;**
- (b) transfer the maintenance of the informal green park space to the Trust for Conservation Volunteers, and any other agreements necessary to deliver the project.**

36 Conningbrook Country Park – Commercial Agreement

The report set out the proposed terms of a Commercial Agreement between the Council and Brett Aggregates Limited to facilitate the delivery of Conningbrook Country Park, its infrastructure and the enabling residential development applied for by Brett Aggregates Limited.

Tabled at the meeting was a further Exempt Appendix.

A Member referred to the Tabled Paper and said he was disappointed with the proposed apportionment figure set out within the paper.

In response the Chairman said there was only limited land that the Council was planning to dispose of and therefore it involved only a small sum of money.

Resolved:

- That (i) the principles of a Commercial Agreement with Brett Aggregates Limited be approved including the disposal of**

the land shown edged red on the plan attached to the report (subject to any changes which do not affect the principles set out in the report and are agreed by the Head of Cultural, Environmental and Project Services, in consultation with the Head of Legal & Democratic Services and the Chief Executive), on the terms set out in the report and the Exempt Appendix.

- (ii) the Head of Legal & Democratic Services, in consultation with the Head of Cultural, Environmental and Project Services, the Leader and the Chief Executive be authorised to finalise negotiations as to the detail of the Commercial Agreement and to enter into such agreement immediately before planning permission 12/01245/AS is granted as authorised by the Planning Committee on 15th May 2013.**
- (iii) the Head of Cultural, Environmental and Project Services be authorised to make appropriate arrangements with Ashford Leisure Trust and other occupiers to enable Brett Aggregates Limited to have possession of the land to be transferred when required under the Commercial Agreement.**
- (iv) the Head of Cultural, Environmental and Project Services be authorised to make all necessary arrangements with Ashford Leisure Trust, Kent Wildlife Trust, Mid Kent Fisheries and any other appropriate parties (such as graziers) for the management of the Country Park.**
- (v) the Chief Executive and the Leader (ex officio) be authorised to act as the Council's representatives on the proposed "Design and Contract Forum" and the Chief Executive be authorised to act in the proposed "Resolution Forum".**

37 Youth Development Activity (including Sk8Side Lease)

The report gave an update regarding Youth Development Activity in 2012/13 including results of the Kent County Council Youth Service Transformation Programme. It considered the partnership approach needed for effective and on-going local youth services and presented the areas that required the Council's support. The report also set out the proposed lease arrangements for Sk8Side for members' consideration.

The Portfolio Holder confirmed that the conditions of the Lease had now been agreed with the organisation which would run Sk8Side and he thanked the officers for all their hard work on this initiative. He believed that the report presented a chance to move forward and make Youth Development Activity sustainable for the next 5-10 years.

The Vice-Chairman said that the report showed that the future for youth in the Borough looked bright and clearly demonstrated that there were a number of activities that the youth could become involved with. He also asked what the latest position was regarding the former Stanhope Police Station Community Hub.

The Cultural and Youth Projects Leader said that there had been a planning application received in respect of the Stanhope Police Station and subject to it being approved it was hoped that it could open prior to the summer holiday period. The Ward Member said that there were other initiatives in the Stanhope area apart from the Hub which were being progressed such as ensuring that the library was kept open, work with the Ray Allen Centre and he said that he believed special appreciation should be shown to Moat Housing for their work in the area.

Resolved:

- That**
- (i) the achievements and developments of the Corporate Youth Priority work and the need to continue to support activity be noted.**
 - (ii) the negotiations to agree a favourable lease for Sk8Side including a subsidy contribution of up to £2,000 per annum for utility costs until 31st December 2015 from within the existing Cultural Services Budget be endorsed.**
 - (iii) the Head of Cultural, Environmental and Project Services, in consultation with the Portfolio Holder for Youth and the Elderly, be authorised to agree appropriate terms and conditions of the lease of Sk8Side in conjunction with the Head of Legal & Democratic Services and the Head of Customers, Homes and Property.**

38 Section 106 Cabinet Annual Monitoring 2012/13

The report set out the Section 106 activity for the period of 1st April 2012 to 31st March 2013 to show transparently how contributions were being collected and applied in a proper way and to demonstrate that the monitoring of Section 106 Contributions remained a very important resource stream.

The Portfolio Holder said that the report also demonstrated that the Planning Department often had to be pragmatic in terms of the settlement of Section 106 Agreements and by utilising claw back arrangements it had allowed such schemes as Charter House to commence.

Resolved:

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

39 To agree the Council's position on the Future of Further Education and Vocational Skills in the Borough

The report provided an update as to the current situation regarding the future of further education and training provision in Ashford and sought approval of a Council position that would inform discussions with potential new providers.

The Chairman of the Education and Vocational Skills Committee advised that the paper was largely an enabling report and said that if any funding was required in due course the Cabinet would be involved. The Portfolio Holder for Transportation, Highways and Engineering drew attention to some of the statistics set out in paragraph 10 of the report and said they needed to be addressed. He also said he was a little surprised that there was no mention of a possible University on the site.

The Chairman of the Education and Vocational Skills Committee said they were looking at taking the training of pupils from age 14 onwards and it was hoped that opportunities would exist to "staircase" to degree level. He also advised that he had asked both the Chamber of Trade at Tenterden and the Ashford Chamber of Commerce and Industry for their views on what they considered should be provided in any such facility. Other Members commented that in terms of the "lots" of provision at certain campuses Ashford was currently shown as being adjoined with Tonbridge and Tunbridge Wells. They considered that Ashford should be separate from those Authorities in the west of the county, as it had more in common with Dover and Folkestone.

The Portfolio Holder for the Young and Elderly advised that education had recently been added to his portfolio and he referred to previous comments made by youth in Ashford that they would wish to study and stay in Ashford and he hoped that this initiative would allow that to be achieved. He also indicated from the following year there would be additional students who would be seeking further education as the school leaving age was rising to 17 and then to 18. Another Member said he hoped that it would be possible to strive towards an establishment which could provide the skills industry needed.

Resolved:

- That**
- (i) the future provision in Ashford be offered via a self-sufficient college, albeit one that may be loosely federated with other institutions.**
 - (ii) the college offers an appropriate mix of FE, HE, apprenticeship and skill based offerings that meet the needs of local learners and employers.**
 - (iii) the aim of the Council to see the College operate from a redeveloped Elwick Road site be re-affirmed and that the Council was willing to look at innovative ways to support the relocation.**

40 Financial Outturn 2012/13 (Final)

The report detailed the final outturn position for the Budget for 2012/13 for both the General Fund and the Housing Revenue Account.

The Portfolio Holder advised that the report represented a successful budgetary year in that the General Fund had ended with a modest surplus. He referred to the figure setting out the surplus for the Housing Revenue Account and advised that this figure was incorrect and that it should be £1.069m. He thanked the report authors and all officers who had been involved throughout the budgetary year. He also said that there was a need to remain vigilant in both budget management and delivery during 2013/14 and in setting a prudent budget during the next six months for 2014/15. The Council's entrepreneurial activities (spend/invest to save) must form the basis of securing the Council's economic future as a well managed, financial adept organisation which relied less on the reduced Government grant.

Resolved:

- That**
- (i) the financial outturn for 2012/13 be noted.**
 - (ii) the budget roll forward requests as outlined in paragraphs 14-16 of the report be agreed.**
 - (iii) the transfers to and from reserves set out in Appendix A be agreed.**
 - (iv) the capital outturn of financing as set out in Table 4 of the report be noted.**

41 Village Caretaker Pilot Scheme

The report provided a history of the Village Caretaker Pilot Scheme as a whole and a background to the current pilot project in the Wittersham cluster. The report also explored the successes and issues of the pilot scheme and made proposals for the future.

The Portfolio Holder explained that the Pilot had given rise to a number of issues which had been examined, and she also explained that she had spoken to the Ward Members whose Wards had been within the trial areas. They believed that the scheme was very popular. However, the Portfolio Holder said that funding was key for this initiative and she referred to the three options in the report which would form the basis of the consultation.

The Chairman also advised that the Cabinet Members would have a further discussion on this particular issue.

Resolved:

- That (i) progress made on the Pilot Village Caretaker Scheme be noted and the approach taken to date be endorsed.
- (ii) the approach taken in the report, including the options for wider roll-out of the scheme as set out in paragraphs 36, 37 and 38 be approved as a basis for consultation with parishes in the forthcoming months.

42 Tenterden Projects Group – Recommendation to withdraw grant from the Tenterden Tigers Junior Football Club

The Portfolio Holder advised that he wished to withdraw this item from the agenda for further consideration.

43 Joint Transportation Board – Nomination of Membership

Resolved:

That the following Members be appointed to the Joint Transportation Board:-
Councillors Mrs Bell, Burgess, Claughton, Davey, Heyes (CH), Robey, Yeo.

44 Schedule of Key Decisions to be taken

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

Resolved:

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

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Queries concerning these Minutes? Please contact Keith Fearon:
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