



To the Members of the Borough Council

Dear Sir/Madam

You are hereby summoned to attend a Meeting of the Ashford Borough Council to be held in the Council Chamber, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday the 17th October 2013 at 7.00 pm.

Yours faithfully

T W Mortimer
Head of Legal and Democratic Services

Agenda

	Page Nos.
1. Apologies	
2. To consider whether any items should be dealt with in private because of the likely disclosure of Exempt or Confidential Information.	
3. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document:	1
1. Disclosable Pecuniary Interests (DPI)	
2. Other Significant Interests (OSI)	
3. Voluntary Announcements of Other Interests	
See Agenda Item 3 for further details	
4. To confirm the Minutes of the Council Meeting held on the 18 th July 2013	
5. To receive any announcements from the Mayor, Leader or other Members of the Cabinet	
6. To receive any petitions	
7. To receive any questions from, and provide answers to, the public (being resident of the Borough), which in the opinion of the Mayor are relevant to the business of the Meeting	
8. To receive, consider and adopt the recommendations set out in the Minutes of the Meetings of the Cabinet held on the 12 th September and the 10 th October 2013 (to follow)	2-10

	Page Nos.
9. To receive, consider and adopt the recommendations set out in the Minutes of the Standards Committee held on the 8 th August 2013	11-13
10. To receive the Minutes of the Audit Committee held on the 26 th September 2013	14-20
11. To receive, consider and adopt the recommendations set out in the Minutes of the Selection and Constitutional Review Committee held on the 10 th October 2013 (to follow)	
12. Annual Report of the Council's Monitoring Officer 2012/13	21-29
13. Members Allowances – Recommendations from the Members' Allowances Independent Remuneration Panel	30-37
14. To consider Motions of which Notice has been given pursuant to Procedure Rule 11	

“ Ashford Borough Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:

“That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay day loan stores or other uses, are allowed to be demolished.”

The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.

Councillor C Clark”

This shall stand referred to the Cabinet

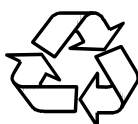
15. Questions by Members of which Notice has been given pursuant to Procedure Rule 10	
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NOTE:- If debate on any item included within this Agenda gives rise to the need to exclude the press and public due to the likelihood of Exempt or Confidential information being disclosed the following resolution may be proposed and seconded and if carried, the press and public will be requested to leave the meeting for the duration of the debate.

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

KRF/AEH
9th October 2013

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

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

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

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

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

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

- a. Membership of outside bodies that have made representations on agenda items, or
- b. Where a Member knows a person involved, but does not have a close association with that person, or
- c. 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 plus the link sent out to Members at part of the Weekly Update email on the 3rd May 2013.
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, 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 Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18th July 2013**

Present:

His Worshipful the Mayor, Cllr. D O Smith (Chairman);

Cllrs. Adley, Apps, Bartlett, Mrs Bell, Bell, Bennett, Mrs Blanford, Britcher, Buchanan, Burgess, Chilton, Clarkson, Claughton, Clokie, Davey, Davidson, Davison, Feacey, Galpin, Heyes, Mrs Heyes, Hicks, Hodgkinson, Howard, Mrs Hutchinson, Link, Marriott, Mrs Martin, Michael, Mortimer, Robey, Sims, Taylor, Wedgbury, Yeo.

Prior to the commencement of the meeting:-

1. His Worshipful the Mayor asked Members to remain standing in silence for the late Thomas Albert Richards who was the representative for the Ashford Biddenden Ward between 1973 and 1987 and Ashford's Twelfth Mayor between 1985 and 1986 and who had recently passed away.
2. The Reverend MacKenzie said prayers.

Apologies:

Cllrs. Adby, Clark, Mrs Dyer, French, Miss Martin, Shorter.

Also Present:

Chief Executive, Head of Planning and Development, Head of Legal & Democratic Services, Head of Cultural and Project Services, Member Services and Scrutiny Manager.

95 Exempt or Confidential Information

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

96 Declarations of Interest

Councillor	Interest	Minute No.
Davison	Announced an "Other Interest" as he knew a number of people who lived in the area covered by the Chilmington Green Area Action Plan.	98(b)

Councillor	Interest	Minute No.
Hicks	Announced an "Other Interest" as she was a resident of Magpie Hall Road, part of which was located in the Chilmington Green Area Action Plan.	98(b)
	Announced an "Other Interest" as she had been appointed the Council's representative on the Ashford Leisure Trust.	98(a) and (b)
Hodgkinson	Announced an "Other Interest" as she was a member of the Great Chart with Singleton Parish Council and that she also knew several people located in the Chilmington Green Area Action Plan area.	98(b)
Wedgbury	Announced an "Other Interest" as he knew a number of people who lived in the area covered by the Chilmington Green Area Action Plan.	98(b)

Councillor Hodgkinson said that she would like to add her wishes to those being expressed from around the world to Nelson Mandela on his 95th birthday and said she hoped that the meeting would be 67 minutes long to reflect his 67 years of public service.

97 Announcements

(a) Mayor

His Worshipful the Mayor explained that the Deputy Leader, Councillor Claughton had arranged a charity cricket match for him and said that he would not be playing himself! The match would be between a Mayor's 11 and Wye Cricket Club on 1st September 2013. He explained that the match would be played over 40 overs and he thanked Councillor Claughton for all the hard work he had done in making the arrangements.

(b) The Leader

The Leader explained that he would be happy to support the Mayor's cricket match, but he hastened to add that he too would not be playing, nor had he been selected!

The Leader then said he would like to take an opportunity to update colleagues on a number of recent developments. He said that in recent years whilst other areas had felt the impact of a national recession Ashford had, under the current Administration, bucked the trend and continued to grow at a steady rate. Ashford had recorded positive economic growth at 0.07%, whilst the south east of England was down about 3%. Ashford had seen around 450 new homes built on year on year, and through the recession key retailers and businesses had still chosen Ashford as a place to invest, expand and nurture their businesses. The latest position (2008-

2011) showed that Great Britain suffered a -2% decline, the south east showed no change whatsoever in that period, whereas Ashford had seen an increase in employment of 4%. This equated to an average of 700 jobs per year through the recession. He said the source was the Business Register and Employment Survey.

The Leader then explained that a new Debenhams, Waitrose and Bupa Care Home had been built in Ashford and there had been extensions to both Tesco and Sainsbury's Superstores and the Multiplex Cinema Complex. John Lewis had announced that week that they were in the process of recruiting 125 new jobs at their "At Home" Store which was on target to open before the end of the year. The Leader said that benefits of investment would be seen quickly in the local economy and this was further proof of that. He welcomed a retailer with such a strong reputation for quality and considered it was a real fillip for Ashford. Clearly Ashford was open for business. The new John Lewis "At Home" store would complement Ashford's existing retail offer, giving its residents more choice to spend within the Borough and attract visitors. The announcement of this significant number of new jobs emphasised not only where Ashford was going, but the opportunities that were on the doorsteps for local people. The Leader said that despite all this the Council was not complacent.

There were ambitious plans to double the size of the Designer Outlet Centre to attract some 7.2 million visitors. The Leader considered it should be seen that Ashford was a place with vision and determination to provide an atmosphere where businesses were going to thrive, especially as the Borough moved out of these trying times.

The Leader then explained that by working behind the scenes with the Chief Executive, it was hoped to kick start developments to bring more life and energy into the town centre and he said he hoped to be in a position to say more about this very shortly. He explained that he had recently formed two new advisory committees, one of which was the Education and Vocational Skills Advisory Committee, under the chairmanship of Councillor Clokie. This had been established with the main purpose of securing an Ashford based college for further education. Government, Kent County Council and others had been left in no doubt of Ashford's sheer determination in this regard. The Leader said that the Administration was completely focused on the provision of a college on this iconic Elwick Road/Station Road site by the International Station. He said that the Administration fully understood that such a venture needed real understanding of the holistic nature of both academic and vocational activities and the need to be integrated in such a way that they were not just directed to enrich the individual student but also to impart knowledge and appropriate skill sets needed to move into adulthood well equipped to contribute to the economic social life.

The Leader then explained that some Members had recently had a tour of the Conningbrook Lakes area to see first-hand the wonderful opportunity the Council had to create a stunning, family orientated country park offering a variety of leisure and water based activities for residents and visitors alike. He explained that all had been left in no doubt that this project would be an absolute gem for the Borough and would attract visitors from far and wide to enjoy the beautiful wildlife and leisure activities on offer covering in the region of 200 acres.

Another flagship project for the Borough would be the remodelling of the Sheltered Housing Scheme at Farrow Court. The project would include an additional 60 accommodation units meaning Farrow Court would provide up to 100 high quality units, including learning disability units, recuperative care units in a newly designed day care centre, with communal facilities as well as hairdressers and a restaurant. He said that not only would this be the catalyst of where the Council were taking the provision for the Borough's older residents across its sheltered accommodation schemes, but it would also make other providers of sheltered schemes across the Country take note of what could be achieved. He said that the Council prided itself on the quality and standard of its new homes, but this would be the best of the best.

The Leader then referred to the new Waste Collection Service and advised that the Council's wish to improve recycling rates had taken a major step forward in the previous week as it had embarked on rolling out the new recycling service in the borough. He said that inevitably when making such fundamental changes, there would be some issues and this had been the case, but the Council, alongside its contractor, were working hard to resolve those issues.

Nearly 200,000 bins across 52,000 homes in the Borough had been rolled out, and he explained that this week Biffa had collected over 100 tonnes of materials which was more than double the amount normally expected to see in a typical week. The Council had also been endeavouring to give a bespoke service as far as possible from the outset. Although the volumes of recycling were far greater than had been anticipated, the Leader considered it was a good sign that its residents were so keen to recycle as much as they could. Biffa had put on an additional 7 vehicles above the 10 provided which had meant a 70% increase to get the scheme underway. Notwithstanding these facts he said that he wished to publically apologise to the residents for the inconvenience some of them had experienced and explained that if one resident was inconvenienced then it affected all those within the Borough. The vast majority had however had their bin collections, and that had gone well. He said that special measures were now in place to speedily rectify any further deficiencies. Garden waste recycling had been very popular within the region of 6,000-7,000 residents signed up already, and this figure was rising on a daily basis. When introducing such big changes he said it always took some time for everyone to get used to the arrangements and the Leader said that he was confident that after a short while things would settle down. The Leader said that one further and interesting point had emerged for which he considered credit could be taken. He explained that as officers and contractors were now visiting properties for the first time, it had been possible to identify people's needs better and he explained that the Council's assisted service, which the Council was proud of, was currently provided to 450 residents. However since the roll out elderly and infirm had been identified who needed more assistance and this figure had now risen to 1,150, a 155% rise and the Council was now able to help them in terms of collections and recycling.

The Leader then said that he read with interest that litter strewn across the Lower High Street on Sunday, 6th July had been caused by the bins being emptied by alcohol fuelled revellers and by litter louts. He explained that very soon the Council would have the new Town Centre Action Team in place and it would be considering how it would be possible to enforce more responsible behaviour.

In conclusion the Leader said that he had agreed with the editor of the Kentish Express that he would have a regular Leaders' column. He said that it would be a great opportunity for him to speak to residents, businesses and visitors to Ashford. It also gave an opportunity to more directly share with them the positive developments taking place in the borough and to confirm and recognise the difficulties the borough faced in these trying times. The column would be fortnightly on an alternate basis with the fortnightly column by the MP, Damien Green.

The Mayor said that in terms of refuse and recycling he had received an email from one of his residents which said "our Dusties need the biggest pat on the back!" The resident had explained that he and his neighbour's collection had been missed by a day, however he had said that all residents had been recycling for the past month so it was effectively a double load.

98 Cabinet - 13th June and 11th July 2013

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

(a) Cabinet 13th June 2013

In moving the Minutes the Leader drew attention to Minute No. 33 – Trading Companies, which had been amended by Minute No. 76 of the 11th July Cabinet Meeting and said that the Overview and Scrutiny Committee had called-in the original decision and in light of their very helpful debate a number of recommendations had been put forward and had been readily accepted by the Cabinet.

Resolved:

- That (i) the Minutes of the Meeting of the Cabinet held on the 13th June 2013 be received and noted with the exception of Minute Nos. 32 and 33.**
- (ii) Minute No. 32 be approved and adopted.**
- (iii) Minute No. 33 be approved and adopted subject to the recommendations set out in Minute No. 76 of the 11th July 2013 Cabinet Meeting.**

(b) Cabinet 11th July 2013

Councillor Davison referred to Minute No. 77 – Chilmington Green Area Action Plan (AAP) – Inspector's Report and Proposed Adoption of the AAP and said that residents within his Ward affected by the Chilmington development were strongly against it. In particular they were angry at the loss of productive farm land when there were many brownfield sites not yet built on. Councillor Davison said that for those reasons he would vote against the acceptance of the recommendations in Minute No. 77 and he requested that his vote be recorded.

Resolved:

That subject to the expiry of the period by which decisions arising from the meeting of the Cabinet held on the 11th July 2013 may be called, i.e. 24th July 2013:-

- (i) The Minutes of the Meeting of the Cabinet held on the 11th July 2013 be received and noted with the exception of Minute Nos. 76, 77, 79, 80, 81 and 86.**
- (ii) Minute Nos. 76, 77, 79, 80, 81 and 86 be approved and adopted.**

In accordance with Procedure Rule 15.5 Councillor Davison asked for it to be recorded that he had voted against the Recommendations in Minute No. 77.

99 Audit Committee - 27th June 2013

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 27th June 2013 be approved and adopted.

100 Selection and Constitutional Review Committee – 13th June 2013

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 13th June 2013 be approved and adopted.

101 Audit Committee – Annual Report 2012/13

Resolved:

That the Annual Report of the Audit Committee 2012/13 be received and noted.

102 Overview and Scrutiny – Annual Report

Resolved:

That the Overview and Scrutiny Annual Report be received and noted.

103 Nelson Mandela – 95th Birthday

His Worshipful the Mayor referred to the comments made earlier in the meeting by Councillor Hodgkinson and he invited her to speak further on this issue.

Councillor Hodgkinson explained that a friend of hers had spent many days outside South Africa House in the late 1980's and therefore she had written to her mother the day Nelson Mandela had walked free saying that whilst her mother had had her "Kennedy moment" she had now her "Mandela moment" which was one of the greatest days of her life. Councillor Hodgkinson considered that the work Nelson Mandela had done was fantastic and she believed that one of the greatest photographs was of Mr Mandela handing the Rugby World Cup to the Springboks Captain whilst he was wearing a Springboks jersey. Councillor Hodgkinson considered that perhaps through the United Nations or South Africa House, it would be wonderful if the Council could send a message of support to him.

Councillor Claughton said he just wished to add briefly to the comments made by Councillor Hodgkinson. He explained that after witnessing the famous walk Mr Mandela had made with his then wife, Winnie Mandela upon his release from prison, and in particular the reactions of people with whom he had watched this occasion on the television, he understood what he meant to a great many people. He said he considered Mr Mandela to be an extraordinary human being and that he would certainly support the Council sending a message of support to Mr Mandela.

Members signified their support for a letter being sent by the Mayor on behalf of the Borough Council to Mr Mandela.

KRF/VS
CXXX1329

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **12th September 2013**.

Present:

Cllr. Clarkson (Chairman);

Cllr. Claughton (Vice-Chairman);

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

Apologies:

Cllrs. Chilton, Davidson, Robey.

Also Present:

Cllrs. Bennett, Burgess, Clokie, Marriott, Michael, Smith, Yeo.

Chief Executive, Deputy Chief Executive, Head of Planning and Development, Head of Property and Community Projects, Finance Manager, Principal Accountant, Assistant Health, Parking and Community Safety Managers, Licensing Manager, Tourism, Heritage and Nature Conservation Manager, Communications and Marketing Manager, Policy and Performance Officer, Member Services and Scrutiny Manager.

128 Declarations of Interest

Councillor	Interest	Minute No.
Claughton	Announced a "Voluntary Announcement" as he had played cricket at Kennington Cricket Club	138
Clokie	Announced a "Voluntary Announcement" as he lived in Tenterden	144
Hicks	Announced a "Voluntary Announcement" as she lived near the Chilmington Green area and was the Ward Member for part of the area.	135
	Announced a "Voluntary Announcement" as she had been appointed the Council's representative on the Ashford Leisure Trust.	141

129 Minutes

Resolved:

That the Minutes of the meeting of the Cabinet held on the 11th July 2013 be approved and confirmed as a correct record.

130 Transportation, Highways and Engineering Advisory Committee – 5th July 2013

The Chairman of the Committee advised that at their first meeting they had discussed the Terms of Reference and considered future items to be discussed by the Committee. Furthermore the transport providers had given an update on matters as they affected their services.

Resolved:

That the Minutes of the meeting of the Transportation, Highways and Engineering Advisory Committee held on the 5th July 2013 be approved and adopted.

131 Recommendations arising from the Overview and Scrutiny Committee's debate on the Chief Executive's Update on the 'Best Services Resources Allow' aspect of the 5 Year Business Plan

The Overview and Scrutiny Committee at its meeting on the 20th August 2013 had received a presentation on the 'Best Services Resources Allow' aspect of the 5 Year Business Plan. Arising from this the Committee had put forward two recommendations for the Cabinet to consider.

Resolved:

- That**
- (i) Officers be asked to look at options around providing support to homeless people in the Borough; perhaps including provision of a hostel in co-operation with other operators (e.g. Housing Association, KCC).**
 - (ii) a revised consultation to look at long-term budget aspirations for the next Council be completed within 12 months.**

132 Covert Surveillance Policy

The report advised of changes to the Council's powers of surveillance and sought approval of consequential changes to the Council's Covert Surveillance Policy. The Chairman explained that it was a straightforward report and was in line with new regulations. He also advised that covert surveillance could now only be used after consent had been granted by a Justice of the Peace and when the Council was

investigating criminal offences which attracted a maximum custodial sentence of at least six months or more.

Recommended:

That the amended Covert Surveillance Policy be approved.

133 Scrap Metal Dealers Act 2013

The report advised of the recently enacted Scrap Metal Dealers Act 2013 and set out delegations to Officers in terms of managing the scheme and also proposed an amount for the application fee.

The Portfolio Holder explained that the legislation stemmed from a Private Members' Bill seeking to halt the rise in metal theft.

In response to a question one of the Assistant Health, Parking and Community Safety Managers confirmed that Ashford Borough Council was at the forefront in terms of the application of the legislation and said that the Licensing Manager was fully conversant with the requirements of the Act.

Resolved:

That the application fees set out within paragraph 6(1) of Schedule 1 to the Scrap Metal Dealers' Act 2013 and as detailed in paragraph 22 of the report be approved.

Recommended:

That the delegations and changes to the Constitution as set out in Appendix A to the report be approved.

134 Review of the Council's Statement of Community Involvement (SCI)

The report summarised the main proposed amendments within the Statement of Community Involvement (SCI) 2013, the current version having been adopted in 2009. The report also set out the reasons for the proposed amendments.

The Head of Planning and Development advised that he had received further comments on the report from the Legal Services Section and said that there was a need to add to the list of consultees. He suggested that he be given delegated authority to make any subsequent changes as he considered appropriate.

Recommended:

That (i) the contents of the revised Statement of Community Involvement (SCI) be approved and adopted.

- (ii) **authority be delegated to the Head of Planning and Development to make any necessary additional minor amendments.**

135 Chilmington Green Quality Agreement

The report advised that the Council had made a clear to commitment to the development being of the highest quality possible and explained that one means of making sure this was the case was the Draft Quality Agreement which was attached as an appendix to the report. The approach sought to get the team of developers promoting Chilmington Green to sign up to key quality principles that would help to shape detailed design and delivery at Chilmington.

The Chairman emphasised that there was a need for the quality aspects of the development to be carried right the way through the whole development.

The Head of Planning and Development advised that there had appeared to be confusion about whether this document replaced former documents approved or to be approved and he explained that this was not the case. This document was in addition to all previously approved documents and it sought to reinforce the quality aspects of the development. A Member commented that it was important that the quality of life for the community living in the houses was to the highest standard and he asked whether the Quality Agreement dealt with issues such as designing out the potential for anti-social behaviour. Another Member commented about the nature of fittings and fenestration on the properties fronting the street and considered they would need to be of a high standard to reflect the quality of the development.

In response the Head of Planning and Development agreed to meet with the respective Members outside of the meeting to discuss ways in which their concerns could be incorporated within the document.

Resolved:

That the draft Chilmington Green Quality Agreement be endorsed.

136 Trading Companies – Update following O&S Recommendations

The report advised that following approval of the Overview and Scrutiny Committee's recommendations in terms of the call-in of the original report, an independent financial review of the Property Company Business Plan had been commissioned to examine the Plan and comment on the Company's ability to trade as a going concern.

The Portfolio Holder advised that it had been hoped that the consultant's report would be available for this meeting. However, a final version had not been received and therefore a further report would be submitted to the October meeting of the Cabinet. The Portfolio Holder also drew attention to the wish to vary the Building Consultancy Company Business Plan to reflect new guidance which had been issued which enabled the Local Authority Trading Company to be registered as an

Approved Inspector for building control works. A Member referred to comments within the Exempt Appendix to the report and the Chairman advised that these would be considered outside of the meeting.

Resolved:

- That**
- (i) it be noted that the Financial Review had been commissioned.**
 - (ii) the variation to the Building Consultancy Company Business Plan be approved.**
 - (iii) it be agreed that work can continue to set up the Building Consultancy Company.**

137 First World War Commemorations, 2014-2018 and Second World War Commemoration, 2015

The report sought agreement as to how the Borough Council should commemorate the centenary of the First World War, 2014-2018 and the 70th Anniversary of the end of the Second World War in 2015.

The Portfolio Holder explained that the Borough Council would be working with Parish Councils in terms of any commemoration events they wished to hold and she also considered it was entirely appropriate to hold the Civic Awards in both of those years, i.e. 2015 and 2018.

The Deputy Leader said that both events carried a great deal of significance and he emphasised the word “commemorate” to reflect the sacrifices so many people had made in those two wars.

The Portfolio Holder for the Town Centre and Urban Economy advised that he was supporting an event organised by the Local Museum and town centre traders which would be held to mark the 100th anniversary of the outbreak of the First World War at an event due to be held on the 4th August 2014.

Resolved:

- That**
- (i) it be agreed that it is more appropriate and fitting to commemorate the end of both World Wars rather than the beginning and as such it be agreed that the 70th Anniversary of the end of the Second World War be commemorated in 2015 and the centenary at the end of the First World War be commemorated in 2018.**
 - (ii) it be agreed that the overall approach to the commemoration be based around the proposals outlined within the report and separate reports referencing the detailed proposals and funding be considered closer to the time.**
 - (iii) it be agreed that the community projects commemorating the First and Second World Wars be included as an additional funding**

priority in the Single Grants Gateway for the period that such projects are likely to be delivered, i.e. 2014-2018.

- (iv) a sum (in the region of £5,000 to £7,500 per year funded from the New Homes Bonus) be agreed to increase the current Single Grants Gateway one-off revenue budget with the increase being ring-fenced for those First and Second World War commemorative projects taking place between 2014 and 2018.**
- (v) it be noted that Councillors may also consider allocating their Member Grant towards community projects commemorating the First and Second World Wars.**

138 Single Grants Gateway (SGG) – Loan to Kennington Cricket Club

The report advised that an application had been received from Kennington Cricket Club for a loan of £25,000 through the Single Grants Gateway towards the replacement of their club house.

The Portfolio Holder advised of the recommendations in the report and referred to paragraph 7 which advised that the combined cricket and football club had 450 members with a further 200 people using the facilities by hiring them. He also explained that the club had received a grant from Sport England and the Single Grants Gateway had already provided £10,000 towards the project. He considered that the level of interest rate fixed for the loan was appropriate.

Resolved:

- That**
- (i) the recommendation of the Grants Gateway Panel to loan £25,000 to Kennington Cricket Club, subject to the conditions and repayment terms set out in the report be approved.**
 - (ii) delegated authority be granted to the Head of Legal & Democratic Services to complete the required documentation in relation to the loan.**

139 Local Government Finance Settlement 2014-2015, 2015-2016 and proposals for the pooling of New Homes Bonus for Local Growth Funds

The report explained the announcements made by Government at the end of July concerning Local Authority Revenue Support Grant and New Homes Bonus for the next two years and advised that the announcement was not expected and would have serious impacts on the Council's funding. The report discussed the changes made to formula grant and the second part dealt with the detailed proposals to pool a proportion of the New Homes Bonus receipts.

The Portfolio Holder referred to the impact the changes would have on the Council's financial planning and advised that the Leader would be submitting a political response on the consultation.

A Member expressed concern in terms of the proposal from the Government to top slice £400m of New Homes Bonus to allocate to the Local Enterprise Partnerships (LEP's) and commented that there were no plans in place in terms of how those funds would be spent.

The Chairman emphasised that the political response to the consultation would be very robust.

Resolved:

- That (i) the report be noted.**
- (ii) the proposal that the Leader of the Council draft a political response to the consultation responses be endorsed.**
- (iii) the responses to the technical questions as outlined in Appendices 1 and 2 to the report be agreed.**

140 Ashford Borough Council's Performance – Quarter 1 2013/14

The report sought to report to Members and the public on the performance of the Council during the quarter. This included information of what the Cabinet had achieved through its decision making, key performance data on front line services and consideration of the wider Borough picture which impacted upon the Council's work.

The Chairman advised that there was a member of the public who wished to speak on this matter and explained that the speaker had been in contact with a number of officers over the last few days. The Chairman emphasised that the Borough Council would respond to the points raised by the speaker and said that if he wished to provide any written additional information the Council would respond to that as well.

In accordance with Procedure Rule 9.3, Mr Crompton, a local resident advised that he was concerned about disability adaptations and said that the Council had a statutory duty to process applications from all tenants in the Borough including tenants of Local Authority housing. He explained that he had first raised this issue six years' ago, and commented that the Borough Council website still did not specify who could apply for disability facilities' grants. He also explained that equality was covered on the website, but he said he was not certain that all officers within the Authority followed the advice set out within that legislation. He also explained that from a conversation he had had with an officer, he had been advised that the officer was only able to spend 5% of their time on this issue and furthermore to clear the backlog of adaptations in the region of £1m would be needed. In conclusion he emphasised that the Council had a statutory duty to process applications within six months and he said he wished to work with the Council to achieve this.

The Chairman said that he believed that the Council led the field in housing activity in the county. The Council supported housing for the disabled and general needs housing and commented that if the Council had an unlimited budget further work could be undertaken. He reiterated his earlier point in that if the member of the public wished to write to the Borough Council setting out all of his points of concern they would be considered.

Resolved:

That the Performance for Quarter 1 be noted.

141 First Quarter Budget Monitoring Report 2013/14

The report presented the first Budget Monitoring Report for the current year based on the first quarter's performance to the end of June 2013. The report showed a revised forecast of an overall pressure of £195,000 and the Housing Revenue Account reported a deficit of £350,000 which was a movement from the forecast surplus of £12,000.

Tabled at the meeting was a revised Appendix A to the report.

The Portfolio Holder gave details of the recommendations and read his Portfolio Holder comments which were set out within the report.

Resolved:

- That**
- (i) the First Quarter's Budget Monitoring Report for 2013/14 be noted.**
 - (ii) the budget virements explained in paragraphs 26-27 and detailed in Appendix B to the report be approved.**
 - (iii) it be noted that the Chief Executive had exercised his delegated approval under Civil Emergencies and/or Urgent Matters in paragraphs 28-29 of the report.**

142 Planning Task Group

Resolved:

That the Notes of the Meeting of the Planning Task Group held on the 10th July 2013 be received and noted.

143 Wye3 Task Group

The Chairman of the Task Group advised that the Wye Free School had now opened with an intake of 90 pupils with further plans to increase the intake to 600. He praised the significant amount of hard work undertaken behind the scenes to reach this stage and in particular he thanked the Head of Planning and Development and the Policy Manager and Margaret Williams who had been a driving force behind the school. He said he was sure Members would wish the school to be a great success.

Resolved:

That the Notes of the Meeting of the Wye3 Task Group held on the 30th July 2013 be received and noted.

144 Tenterden1 Task Group

Resolved:

That the Notes of the Meeting of the Tenterden1 Task Group held on the 22nd July 2013 be received and noted.

145 Chilmington Green Task Group

The Chairman believed that this Task Group was working very well and said that work had been undertaken in terms of speaking to people within the areas concerned. The Portfolio Holder for Culture and the Environment also explained that the Steering Group was involved with residents and the Parish Council.

Resolved:

That the Notes of the Meeting of the Chilmington Green Task Group held on the 12th August 2013 be received and noted.

146 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.

(KRF/VS)

MINS:CAXX1337

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Cabinet

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

Present:

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

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

Apologies:

Cllrs. Chilton, Clarkson, Marriott, Michael.

Also Present:

Cllrs: Bennett, Britcher, Buchanan, Burgess, Clokie, Davidson, Davison, Mortimer, Smith.

Chief Executive, Deputy Chief Executive, Head of Legal and Democratic Services, Head of Cultural and Project Services, Head of Customer, Homes and Property, Head of Planning and Development, Finance Manager, Development and Regeneration Manager, Economic Development Manager, Policy and Performance Manager, Electoral Services Manager, Senior Communications Officer, Member Services and Scrutiny Manager.

162 Declarations of Interest

Councillor	Interest	Minute No.
Hicks	Announced a "Disclosable Pecuniary Interest" in respect of Agenda Item 10 and left the meeting during consideration of that item.	168
Howard	Announced a "Voluntary Announcement" as members of his family owned land near the proposed Junction 10A of the M20.	172

163 Minutes

Resolved:

That the Minutes of the meeting of the Cabinet held on the 12th September 2013 be approved and confirmed as a correct record.

164 Joint Transportation Board – 10th September 2013

The Chairman of the Board advised that the meeting had discussed the shared space, Drovers Roundabout and Bus Lane camera enforcement.

Resolved:

That the Minutes of the meeting of the Joint Transportation Board held on the 10th September 2013 be approved and adopted.

165 Focus 2013 – 2015: A Corporate Plan and Supporting Financial Plans

The report sought Members' approval for the updated Corporate Plan and the proposed priorities for the Council until 2015. It also detailed the financial aspects which were required to support the Corporate Plan and which needed to be planned and managed if the Council was to succeed in its goals.

The Vice-Chairman explained that the Plan set the Cabinet's direction over the next two years. He said that it was important to be mindful that a balance was needed to be struck between efficiencies but ensuring the highest standards of services were provided to the residents. He believed that the financial aspects of the report stemmed from prudent fiscal policies and had to be designed to deal with any additional reductions in funding that might transpire. The Portfolio Holder drew particular attention to recommendations (ii) and (iii) in that the Cabinet was seeking to deploy £1 million of reserves over the next three years which was essential if the Council was to be able to deliver the key priorities covered within the document. He emphasised that if financial support for the posts were not provided, it would not be possible to deliver those priorities. He also explained that within recommendation (iii) funding was sought to allow IT to invest in IT infrastructure and he said that full details of the initiatives were set out within paragraph 47 of the report.

A Member, whilst fully supporting the report, explained that he would like further information regarding the overall costing exercise undertaken in terms of the figures set out within the report. The Portfolio Holder, in response, said he was comfortable with that information being provided to Members in due course.

Recommended:

- That**
- (i) the updated Corporate Plan: Focus 2013 – 2015 attached at Appendix A to the report be approved.**
 - (ii) £1 million of reserves be deployed over the next three years as outlined in Appendix B to the report.**
 - (iii) the principle of investing £360,000 in IT infrastructure be approved and a full programme be agreed by Management Team in consultation with the Portfolio Holder as outlined in Appendix C to the report.**

- (iv) **the strategic principles for managing the Budget (as outlined in paragraph 37 of the report) be adopted and that a draft budget for 2014/15 along with a fully reviewed Medium Term Financial Forecast be considered by Cabinet in December.**
- (v) **more detailed information in terms of the costing of the items set out within the report be provided to Members in due course.**

166 Review of Single Grants Gateway Funding Priorities and Eligibility Criteria

The report advised Members of the review of the eligibility criteria and funding priorities of the Single Grants Gateway and subsequent recommendations made and sought approval to those recommendations arising from the review. The Portfolio Holder explained that the recommendations set out within the report would ensure that funding support to the voluntary sector was transparent, easily accessible and in line with the Council's corporate priorities. He also emphasised that it was important not to under-estimate the value the voluntary sector contributed to in the Borough.

The Vice-Chairman explained that at the Selection and Constitutional Review Committee held prior to the Cabinet meeting, they had agreed the changes to the Terms of Reference stemming from the review of funding priorities and advised that the Selection and Constitutional Review Committee had agreed that the Chairman of the Kent Association of Local Councils (KALC) be asked to be a voluntary member of the Single Grants Gateway Panel in the place of the Ashford Chamber of Commerce and Industry who had not been able to send any representatives to attend any of the meetings.

Recommended:

- That**
- (i) **the review of the Single Grants Gateway (SGG) Funding Criteria and Priorities be noted.**
 - (ii) **the following recommendations set out in (a) to (i) below be approved:-**
 - (a) **Current funding priorities be replaced with those detailed in Section 11 of the report.**
 - (b) **Applicants be able to submit one capital application up to £1,000 and over £1,000 and up to £10,000 in a four year financial period. This was in addition to one revenue application in the same period. This did not restrict applications for Ward Member Grants.**
 - (c) **For projects delivering in a parished area, applicants be required to request a funding contribution from the Parish Council but the decision was not dependent on it being forthcoming.**

- (d) Insurances or travel costs for one-off events be eligible for funding.**
 - (e) An additional criterion should be introduced to read grants were “not for uniforms, parties, recreational trips or refreshments but trips to compete or perform or for another similar purpose will be considered”.**
 - (f) Grant Panel meetings be increased to four times a year to meet in January, April, July and October. Deadlines for applications should be amended accordingly to be in November, February, May and August each year.**
 - (g) Delegated authority to approve grants up to £1,000 be given to the Policy and Performance Manager.**
 - (h) Terms and conditions be changed to allow for staggered grant payments to ease applicants’ cash flow.**
 - (i) The interest rate on loans to be set according to an agreed rate as detailed in paragraph 17 of the report.**
- (iii) the Funding and Partnership Officer, in conjunction with the Portfolio Holder, be delegated to make changes as appropriate to documentation supporting the SGG depending on the outcome of the report. Amended guidance incorporating the recommended changes was set out in Appendix B to the report. Amendments to current guidance were highlighted and deletions were struck through.**

167 The Introduction of Individual Electoral Registration in 2014

The report provided information on the introduction of Individual Electoral Registration (IER) which was due to come into force in July 2014 and highlighted the changes in the registration process and the implications of those changes for residents and the Borough Council.

The Portfolio Holder for Tourism and the Rural Economy considered that the report outlined major changes to the way in which people registered to vote and said inevitably this would prompt queries and hoped that good systems would be put in place to be able to deal with the queries that would arise. The Electoral Services Manager explained that this was the biggest change in electoral registration for over 100 years but she confirmed that the Electoral Commission would be undertaking a number of initiatives to raise public awareness. The transitional costs would be met by the Government and her team would be doing their best to cover all eventualities. It was emphasised that to ensure that voters did not “fall off” the Register, reminder letters would still be sent followed by a home call if that initial process was unsuccessful. In response to a further question, she confirmed that it would be

additional work for her team as to remove somebody from the Register would require a review process to be undertaken which included writing to the person concerned to check the information.

Resolved:

That the implications of the proposed introduction and implementation of IER and changes to the annual canvass arrangements for 2013 be noted.

168 Managing Poor Conditions in the Private Sector

The report explored the options for managing poor conditions in the private rented sector by working with Landlords in a more proactive way to encourage the supply of good quality homes.

The Portfolio Holder for Resource Management and Control drew attention to the recommendation which did not propose moving ahead with a selective licensing scheme at the present time but to continue to promote the Ashford Borough Council Accreditation Scheme and other initiatives to encourage improvements within the sector. He explained that where Landlords did not respond to their responsibilities, the Private Sector Housing Team could, where appropriate, take action under the Housing Act 2004 in relation to hazards identified within homes. Furthermore there was already evidence that many Landlords were withdrawing from the sector due to concerns about welfare reform and there was a concern that further regulation of the sector would make this situation worse and affect the supply of access to the private sector in Ashford.

In response to a question, the Portfolio Holder for Resource Management and Control advised that the issue of resources for the Private Sector Housing Team had been discussed and said that if there was a need to increase their capacity, this would be dealt with by Management Team.

Resolved:

That a selective licensing scheme be not progressed at the present time and work continue to promote the Ashford Borough Council Accreditation Scheme and other initiatives to encourage improvement within the sector.

169 Delivery of Affordable Housing

The report sought agreement for the release of additional resources from the Housing Revenue Account to support the delivery of 15 units of affordable housing by March 2014 and also to bridge the funding gap resulting from increased procurement costs.

The Portfolio Holder said the report offered the opportunity to provide additional units of affordable housing and to also purchase former Ashford Borough Council properties sold under the Right to Buy Scheme. She confirmed that the Homes and Communities Agency (HCA) had given their permission for the Council to purchase

former properties and said that Officers were currently in the process of submitting bids for suitable properties. However, she explained that prices were rising in terms of the housing market. In terms of the construction of the existing phase of affordable housing, the Portfolio Holder advised that this had suffered from an increase in construction activity and a subsequent increase in costs. In response to a question, the Portfolio Holder said that all properties which the Council were considering acquiring were checked prior to a bid at auction being made and matters such as decoration and condition of kitchen facilities were taken into account in terms of the overall bid made for the property.

The Development and Regeneration Manager explained that the HCA provided £23,000 for each of the properties for which the Council was seeking to purchase and said that in general very little work was required to bring them up to the 2007 quality standard.

In response to a further question, the Portfolio Holder confirmed that the allocation of the £346,530 from the HCA had now been confirmed.

Recommended:

- That (i) the release of £1,675,000 from the HRA to fund 15 further units of affordable housing to incorporate the funding allocation of £346,530 from the HCA be approved.**
- (ii) the release of £500,000 from the HRA be approved to enable delivery of the Council's current Affordable Housing Programme as a result of increased cost as set out in the report.**
- (iii) authority be given to the Head of Legal and Democratic Services in consultation with the Strategic Housing and Property Manager to execute and complete all necessary documentation to give effect to the above recommendations.**

170 New Procurement Strategy

The report sought approval of the New Procurement Strategy and explained the background to its formulation.

The Portfolio Holder explained that it was important in times of austerity that the Borough Council ensured best value for the monies it spent. He said that best value meant a wide range of factors; low cost, support of local economy and best fit solution, but not necessarily the lowest price. The Portfolio Holder advised that the document took all of these factors into account and had been checked to ensure it delivered the right solution for the circumstances at the present time.

Recommended:

That the New Procurement Strategy be approved and adopted by the Council.

171 Response to Current Government Consultation Documents on Planning Issues

The report advised that the Government was currently consulting on three documents, all of which required responses in October. The documents were; Housing Standards Review; Greater Flexibilities for Change of Use; and Planning Practice Guidance. The report highlighted the main issues arising from the three consultation documents and set out recommendations for a formal response. The Portfolio Holder read out his comments on the consultation as set out in paragraphs 41 and 42 of the report. He believed that the proposals were “at odds” with localism and considered that the Council should work with colleagues from other Authorities to lobby the Government on the issues of concern.

Another Member also commented that she had concerns on the elements of the consultation and in particular to the proposals to allow farm buildings to be converted to provide up to three houses in the countryside which she said was not sustainable. Furthermore she considered that the ability to change of use of shops to residential use was a real threat to village shops.

In response to a question from a Member, the Portfolio Holder explained that the consultation proposed that the Council would have a “duty to co-operate” to assist other Local Authorities if they were unable to meet their housing needs. The Head of Planning and Development further explained the point about “duty to co-operate” and said that the Authority would have to say why they were not in a position to provide additional housing to help an adjoining Local Authority meet their housing need.

In terms of the content of the response, a Member considered that it should concentrate on those particular aspects of the consultation documents which were considered particularly harmful.

Resolved:

- That (i) the Portfolio Holder for Planning and Development, in consultation with the Head of Planning and Development be authorised to respond to the Government’s consultations on behalf of the Council as follows:**
- (a) To respond to the Housing Standards Review raising concerns about the proposed approach to applying national described residential space standards and the specific detail of such standards as set out in paragraph 16 of the report and**
 - (b) To respond to the Greater Flexibilities For Change of Use by raising concerns about the proposals to allow conversion of farm buildings and shops to residential development as set out in paragraphs 29 – 32 of the report.**

- (ii) **the potential implications of the National Planning Practice Guidance for plan making in the Borough be noted.**

172 Creation of the Ashford Strategic Delivery Board

The report and its appendix set out the proposals to set up a new Ashford Strategic Delivery Board to bring together key partners forming the membership of the Board to ensure the timely delivery of critical projects identified for the growth of economic development of the Borough. It also proposed the first six indicative priorities for the new Board to deliver. The Portfolio Holder for the Town Centre and Urban Economy emphasised that the proposed Board was a Board of Ashford Council and was democratically responsible. He also explained that the report contained the six key projects for initial work although he commented that an additional one might be added regarding the rail Europe network.

A Member advised that the Opposition Groups had discussed their wish to nominate an observer to the Board and said that they wished to nominate Councillor Davison in a non-voting observer capacity.

Recommended:

- That
- (i) **a new Ashford Strategic Delivery Board be established to deliver the strategic projects identified by the Cabinet and/or approved by Council as necessary.**
 - (ii) **the Leader, Councillor Gerry Clarkson, the Portfolio Holder for the Town Centre and Urban Economy, Councillor Graham Galpin and the Portfolio Holder for Planning and Development, Councillor David Robey be the Council's representatives on the Ashford Strategic Delivery Board; Councillor Davison be appointed as a non-voting observer.**
 - (iii) **authority be delegated to the Leader of the Council in consultation with the Chief Executive to invite the appropriate representatives from the organisations set out within the report to join the Ashford Strategic Delivery Board.**
 - (iv) **it be agreed that the Ashford Strategic Delivery Board would focus on the initial six identified projects and thereafter would be the subject of a future report to Cabinet for the approval of other projects as appropriate.**

173 Portas Pilot and Town Team Programme

The report identified the progress that had been made in delivering the Portas Pilot projects and the work of the Town Team to extend that programme to incorporate other key initiatives to improve the attractiveness and vitality of the Town Centre.

The Portfolio Holder for the Town Centre and Urban Economy explained that the granting of Portas Pilot status had benefited the profile of the Town and allowed dialogue to commence with local retailers. Progress was being made in terms of the development of the website and app which was hoped would be launched in April 2014. Work on improving the Market was still ongoing and talks had been held with organisers of Farmers' Markets. He explained that in terms of the proposed feasibility study for the covered area in the Lower High Street, initial work had raised significant engineering issues, in particular the fact that cellars extended from underneath the adjacent properties where it was initially considered the covered area would be located. He explained that following a request from the Community Forum and from comments made by the Police and businesses in the town it was suggested that the proposed feasibility study for the development of a covered area be removed from the programme.

The Portfolio Holder said he was also pleased to advise that the 'Pop Up Shop' project was about to be launched and he invited all Members along to the event on 14th October at 6.00 pm.

A Member said that he considered more work was required in terms of the Market as the variety and number of stalls was still very unreliable. He also had a perception that progress on the Portas Pilot was slow. He also referred to the poor standard of reinstatement work undertaken by Kent County Council for the paving blocks in the lower High Street. The Portfolio Holder, in response to the point about the poor condition of the reinstatement work, said that he had raised this with the KCC Cabinet Member but he needed to pursue it further. He accepted that there had been slow progress in terms of the improvements to the Market and explained that it had been for the principal reason that it was a wish that the traders be involved with the proposals to enhance the Market offer.

The Portfolio Holder for Transportation, Highways and Engineering advised that the consultants who had undertaken a review of the shared space project would be attending the December meeting of the Joint Transportation Board to answer Members' questions.

Another Member said that for many years he had expressed concerns about the shared space scheme and advised that he had suggested to the Leader of the Council that the Council consider adopting a Code of Practice for any street work undertaken in Ashford.

Resolved:

- That (i) the progress of delivering the Town Team Programme be noted.**
- (ii) the removal of the Feasibility Study to investigate the development of a covered area of the Lower High Street from the Programme be supported following representation from the Central Ashford Community Forum and businesses on the Town Team.**

- (iii) the 'Pop Up Shop' project be supported which had been incorporated into the Town Team Programme.
- (iv) the latest performance of the Town Team be noted.

174 Mid Kent Audit Partnership – Evolution to “One Team, One Employer”

The report provided the Cabinet with a timetable and a narrative for the creation of a “One Team, One Employer” model for the Internal Audit Shared Service. Tabled at the meeting was an extract from the Minutes of the Audit Committee held on the 26th September 2013. The Audit Committee had supported the proposals set out within the report. The Chairman of the Audit Committee explained that the Committee had considered it important for the Chairmen of the four Audit Committees in the Partnership to be consulted on the new Collaboration Agreement.

The Portfolio Holder summarised his portfolio comments set out within paragraph 55 of the report and also confirmed that the Joint Consultative Committee had been content that the way forward was appropriate.

Recommended:

That subject to all four Councils agreeing on the proposal, acceptable terms being agreed on the Partnership (Collaboration) Agreement and employee consultation, it be agreed that:

- (i) a “One Team – One Employer” employment model be adopted for the Mid Kent Internal Audit Partnership.
- (ii) the employing authority for the Mid Kent Audit would be Maidstone Borough Council.
- (iii) the timetable for the transfer of staff to the new employer as set out in the report be agreed.
- (iv) the transfer to take place under TUPE.
- (v) an amendment be made to the collaboration agreement to reflect the new employment arrangements.
- (vi) the Partnership Agreement be extended from 1st April 2014 for five years (therefore expiring 31st March 2019).
- (vii) delegated authority be given to a Senior Officer (The Deputy Chief Executive for Ashford) to agree any final changes.

175 Planning Task Group

Resolved:

That the notes of the meeting of the Planning Task Group held on the 3rd September 2013 be received and noted.

176 Schedule of Key Decisions to be Taken

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

Resolved:

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

(KRF/AEH)

MINS:CAXX1341

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Standards Committee

Minutes of a Meeting of the Standards Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **8th August 2013**

Present:

Cllr. Galpin (Chairman);
Cllr. Davison (Vice-Chairman);
Cllrs. Adby, Apps, Mrs Blanford, Chilton, Feacey, Mrs Hutchinson.

Mr D Lyward – Parish Council Representative.

In accordance with Procedure Rule 1.2 (iii) Councillor Apps attended as Substitute Member for Councillor Taylor.

Apologies:

Cllr. Taylor, Monitoring Officer.

Also Present:

Mrs C Vant – Independent Person

Deputy Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

104 Election of Chairman for 2013/14 Municipal Year

Resolved:

That Councillor Galpin be elected as Chairman of the Standards Committee for the 2013/14 Municipal Year.

105 Election of Vice-Chairman for 2013/14 Municipal Year

Resolved:

That Councillor Davison be elected as Vice-Chairman of the Standards Committee for the 2013/14 Municipal Year.

106 Standards Committee – 1st November 2011

Resolved:

That the Minutes of the Meeting of this Committee held on the 1st November 2011 be approved and confirmed as a correct record.

107 Standards Committee Assessment Panels – 25th October 2011, 6th March 2012 and 21st June 2012.

(a) Standards Committee Assessment Panel 25th October 2011

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 25th October 2011 be approved and confirmed as a correct record.

(b) Standards Committee Assessment Panel 6th March 2012

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 6th March 2012 be approved and confirmed as a correct record.

(c) Standards Committee Assessment Panel 21st June 2012

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 21st June 2012 be approved and confirmed as a correct record.

108 Annual Report of the Council's Monitoring Officer 2012/13

The Chairman thanked Members for electing him as Chairman for the forthcoming year and asked for everyone around the table to introduce themselves. He briefly outlined the new Standards regime that had been introduced since the last Meeting of this Committee and the new role of Mrs Vant as the Independent Person.

The Deputy Monitoring Officer introduced the annual report to be presented to the Council on the 17th October 2013. He also tabled a paper which set out proposed amendments to the Code of Conduct as a result of typographical errors, and some minor drafting changes to the 'Arrangements' for the procedure on receipt of a complaint and the informal resolution procedure. The report gave an analysis of both Code of Conduct activity (Paragraphs 8-15) and Ombudsman Complaint activity (Paragraphs 16-18) for the period 20th July 2012 (the date the Council adopted a new Code of Conduct for Councillors) to 31st July 2013. The new Code of Conduct had made quite a significant difference to the investigation of complaints and, although it was fairly early days and there had been an initial state of flux, the process seemed to be working well.

With regard to Code of Conduct Complaints, there had been four new complaints this year and the outcome of one case carried forward from the 'old' regime under transitional provisions (two related to Borough Councillors and three to Parish Councillors). The figures for 2012/13 showed a reduction compared to the preceding two years under the old regime. Of the five cases in 2012/13, two had been referred for investigation. One of these had been resolved by a formal apology and there was a finding of no breach in the other.

In relation to Ombudsman Complaints the Monitoring Officer was aware of seven complaints against the Borough Council in 2012/13, a number which had significantly reduced from the previous two years (25 and 26 respectively). No complaints had been ruled as maladministration by this Council. Overall, therefore, the Council's record in relation to Ombudsman case outcomes remained strong.

The Deputy Monitoring Officer explained that it was well recognised that there needed to be formal training on the Code of Conduct for Members. This had initially been deferred pending ongoing discussions between the CLG and Local Government professional bodies seeking clarification about the scope of the new interest rules and other matters. Now that some limited experience of the Code's operation had been gained, the time was right to re-visit a joint training programme for Borough Councillors and Parish Councils. During discussion the Committee agreed that the Council's Member Training Panel should be involved in devising the make-up of the training session and that it would be vitally important to involve both Parish Councillors and Clerks as well as Borough Council Members.

In response to questions from a Member the Deputy Monitoring Officer explained what was meant by the Localism Act, the Good Practice Protocol for Councillors when Dealing with Planning Matters and the Kent Model Code of Conduct.

Resolved:

- That (i) **the Annual Report of the Monitoring Officer 2012/13 be received, noted and forwarded to Full Council for approval.**
- (ii) **in conjunction with the Member Training Panel, the Monitoring Officer should arrange some Code of Conduct training for Borough Councillors and Parish Councils as soon as possible.**

Recommended:

That the minor amendments to the Code of Conduct and the Arrangements referred to in Paragraph 8 of the report and the tabled paper be made.

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Audit Committee

Minutes of a Meeting of the Audit Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **26th September 2013**.

Present:

Cllr. Clokie (Chairman);
Cllr. Link (Vice-Chairman);
Cllrs. Marriott, Michael, Shorter.

Apologies:

Cllrs. Smith, Taylor.

Also Present:

Deputy Chief Executive, Head of Audit Partnership, Audit Partnership Manager, Investigations & Visiting Manager, Principal Accountant, Senior Member Services & Scrutiny Support Officer.

Steve Golding, Laura Leka - Grant Thornton.

150 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 27th June 2013 be approved and confirmed as a correct record.

151 Fraud Investigation Team

The paper updated the report of 5th March 2013 and advised of a number of factors influencing the creation of the Corporate Fraud Team. For several reasons the report recommended deferral of the creation of a stand-alone team with a wider corporate counter fraud focus. Most significantly was the ongoing delay to the Government's programme for the introduction of Universal Credit. The report recommended a further review in 2014. In introducing the report the Investigations & Visiting Manager advised that the Housing Department had agreed funding for the team's housing tenancy fraud work for 2014/15, so that showed confidence in the current collaborative working arrangements.

The Portfolio Holder said that the deterrent factor was just as important as the prosecution of benefit fraudsters. It was important to demonstrate that the Council did pursue fraudsters and if this deterred people from making false claims in the first place, unquantifiable savings could be generated above and beyond those generated from prosecution that the Council could document.

In response to a question the Investigations & Visiting Manager advised of corrections to the 'Successful Outcomes' columns of Appendix A to the report. The figures should be 11 for April – August 2013 and 23 for April 2012 – March 2013.

Resolved:

- That (i) **the move to create a Corporate Counter Fraud Team be deferred pending a further review and a report come back to the Committee during 2014.**
- (ii) **the performance figures provided be noted.**

152 Statement of Accounts 2012/13 and the External Auditor's Audit Findings

The report presented the 2012/13 Statement of Accounts for approval. The External Auditor's report was also appended and Mr Golding was present to introduce this and take questions. The audit had identified four primarily presentational errors as detailed in the Auditor's report with no impact on the Council's financial position. The External Auditor had issued an unqualified opinion on the accounts. Once approved, the accounts would be published with an accompanying simple summary of the key facts and outcomes for the year.

Mr Golding introduced the audit findings report from Grant Thornton which outlined the key issues arising from their audit. The outstanding matters had all now been largely resolved and Andy Mack was willing to confirm the unqualified opinion on the accounts following receipt of the Chief Financial Officer's letter of representation. In terms of the key messages from the audit, Mr Golding said that the quality of the financial statements and working papers provided was of a good standard and the Officers should be complimented for this. There were no amendments arising from the audit which impacted on the Council's reported financial performance. Mr Golding said that in terms of transparency, there was concern that declaration forms in respect of related party transactions had not been received from four Councillors at the time of this year's audit. It was noted that there were still two forms outstanding, namely from Councillors Adley and Wright.

The Chairman opened the item up to the Committee and the following responses were given to questions/comments: -

- The classification of developer contributions (Section 106 monies) had been changed in the accounts to be allocated to the relevant Services as soon as the money came in, rather than being held on the balance sheet until it was spent. This was in recognition of the Council's good administrative procedures in this regard whereby a designated Officer pro-actively monitored trigger points. Developer contributions were monitored annually by Internal Audit given the importance of this area to Ashford and Mr Golding re-iterated that this formed part of External Audit's specific audit programme too and they had been extremely impressed by the pro-active way this was managed at Ashford.

- The opinion on the effectiveness of internal control was required to be delivered by the Head of Internal Audit Partnership as part of his Annual report. This was reviewed by External Auditors but did not form part of their specific audit.
- The figures related to the estimated number of properties in the Council Tax Base were not whole numbers due to discount factors, conversions to number of Band D dwellings and timing of occupation.

The Chairman noted that this would be Steve Golding's last Audit Committee meeting after working with Ashford Borough Council during three spells dating back over 30 years. He thanked him for his dedicated and professional work and, on behalf of the Committee, wished him all the best for the future.

Resolved:

- That**
- (i) the Appointed Auditor's Audit Findings be received and noted.**
 - (ii) the basis upon which the accounts have been prepared (Going Concern) be agreed.**
 - (iii) the audited 2012/13 Statement of Accounts be approved.**
 - (iv) the Chairman of the Committee sign and date the accounts as approved by the Council, as required by Section 10(3) of the Accounts and Audit Regulations 2003.**
 - (v) the Chief Financial Officer's Letter of Representation to the Appointed Auditor be approved.**

153 Annual Governance Statement 2012/13 – Progress on Remediating Exceptions

The report explained progress against the areas for continued work which were included in the Annual Governance Statement agreed by the Committee at the last Meeting in June. It highlighted the following matters: - the Leader's wish that there be a refocusing of Council priorities and further cultural development to consolidate the direction that was currently set out in the business plan and Cabinet's previous position statement; the Leader's proposal for a further review of some aspects of the constitution to reinforce the principle of inclusivity and to clarify delegations; production of an Annual Report; updating the 2007 Code of Corporate Governance; and a procurement strategy review. These would all be ongoing matters for 2013/14.

Resolved:

That the progress to date on resolving the governance exceptions identified in the 2012/13 Annual Governance Statement be noted.

154 Strategic Risk Review – Six Monthly Update

The report set out the position in respect of the Council's Strategic Risk Management arrangements. Tabled at the meeting were the coloured appendices for the risks which had been omitted from the original Agenda papers due to a printing error.

The Chairman opened the item up to the Committee and the following responses were given to questions/comments: -

- It was important to bear in mind that the majority of items on the Strategic Risk Register were of longer term consequence and it was hoped that the report highlighted that there was suitable and appropriate mitigation in place. This did not mean that the items should not continue to be routinely monitored, but many of the matters would continue to remain as risks because they involved matters out of the Council's direct control (economic factors etc.)
- An additional risk regarding the Chilmington Green development had been discussed at the Committee's informal Meeting in April and that would be added to the register once the outline planning application had been considered. It was noted that the risks here for the Council were more reputational than financial.
- The risks around a failure of IT systems were operational and contained within the Head of Business Change & Technology's own service risk plan rather than the Strategic Risk Register. A complete IT failure would also be covered within the Council's Disaster Recovery and Business Continuity Plans. The Cabinet Member for the Service said he had asked questions about this and had a reasonable degree of confidence in the plans. Testing of these Plans was also covered within the Internal Audit work plan. The Chairman said they always had the option of calling the Head of Business Change & Technology to a meeting to explain to the Committee how that risk was being managed.
- There was an extensive action plan and lots of work going on to inform residents about Universal Credit and Social Size Criteria. The Council Tax & Welfare Reform Task Group was gaining a lot of information and shaping the Council's response to the issues, but, as a Local Authority, there was only so much Ashford Borough Council could do in responding to this.
- With regard to Risk 2 – Volatile Income Streams, the risk plan had been re-worded to include a high level summary of the main risks to the Council with regard to strategic income. There would be an important report going to the Cabinet shortly explaining some more detail into the Government announcements of the summer and the knock on affects for Government Grants, Business Rates etc. and how the Council was going to deal with those.
- It was agreed that the Housing Revenue Account should be included within Risk 2 – Volatile Income Streams in future reports.

Resolved:

- That**
- (i) the strategic risk management arrangements in place for 2013/14 be noted.**
 - (ii) the Committee is satisfied with the action that is being taken to manage the Council's strategic risks.**
 - (iii) the Housing Revenue Account should be included within Risk 2 – Volatile Income Streams in future reports.**

155 Internal Audit Charter

The Head of Audit Partnership introduced the report which asked the Committee to consider and approve the Internal Audit Charter - a requirement of the new Public Sector Internal Audit Standards (PSIAS). The report also updated the Committee on: - the external quality assessment of Internal Audit (which was also a requirement of PSIAS); the proposal for the creation of 'One Team One Employer'; the possible extension by a further four years of the current collaboration agreement for the Audit Partnership; and the proposed arrangements for the recruitment of a new Head of Audit Partnership. He further advised that the same report was being considered by the Audit Committees at the other Authorities in the Partnership and Tunbridge Wells had considered that the Charter should contain an additional section on value for money and the role Internal Audit played in monitoring and identifying value for money. It was proposed that this be added as an addendum to the Charter once it had been to each of the four Audit Committees.

Whilst agreeing with the point about value for money, the Chairman said he also considered Overview & Scrutiny could also be doing more work of this type.

Resolved:

- That**
- (i) the Internal Audit Charter appended to the report be approved, subject to the addition of Internal Audit's role in monitoring and identifying value for money.**
 - (ii) it be noted that an external quality assessment of the conformance of Internal Audit to the Public Sector Internal Audit Standards will be carried out in January 2014.**
 - (iii) it be noted that it is proposed to adopt a one employer model for the Internal Audit Service.**
 - (iv) it be noted that it is proposed to extend the Internal Audit shared service agreement to 31st March 2019.**
 - (v) it be noted that a timetable has been put in place for the recruitment of a new Head of Audit Partnership.**

156 Mid Kent Audit Partnership – Evolution to ‘One Team One Employer’

The report gave a background to both the historical and current arrangements for the Internal Audit Partnership and proposed converting the Partnership to a ‘One Team One Employer’ model, subject to full consultation with, and agreement by, this Council's Cabinet and the agreement of the other three Councils in the Partnership. The issue had been presented by way of a client perspective from the Deputy Chief Executive on behalf of the Council as well as a more detailed report from the Head of Audit Partnership. The report further advised that moving to a ‘One Team One Employer’ model would in no way alter the operational governance arrangements for the Partnership. Each Council was represented by a Senior Officer on the Operational Board and that Board had oversight of the operational management on behalf of the four Councils. The Head of Audit Partnership updated the Committee that the reports had been considered by the Joint Consultative Committee (JCC) earlier that day and they had endorsed the proposals as an acceptable way forward.

The Chairman said he was fully supportive of the proposals and pleased to note that JCC had no objections.

A Member asked about the basis for charging by agreeing a number of ‘audit days’ and asked if there was any inherent risk that if initial estimates were wrong, there may be cost implications and the quality of audit may suffer. The Deputy Chief Executive said that there may be a risk but it would be more related to the general environment rather than anything else. The number of days required would be a product of what this Committee signed off as their audit need. As it got more complex for Ashford and Local Government more generally to respond to Government reforms, it would become a more challenging agenda for Internal Audit. Considering issues such as strategic projects and this Council as a stakeholder would require particular skills and this may mean audit requirements may have to be increased, even if there were the same or fewer risks involved. The Head of Audit Partnership said there would be an open book charging policy with each Council only paying for the number of audit days it required.

With regard to questions about the Partnership potentially considering selling auditor days outside in a more commercial way, the Head of Audit Partnership advised that this would only go as far as the four partners wanted it to. It was a Partnership owned by the four Councils and it was a decision for them if they wanted his successor to explore this route. It was right to point out though that there were opportunities. They were working to the same standards as all other public sector organisations so there may be opportunities to do work for other public sector clients for example, but only if it did not impact adversely on the core work for the four Councils. In his opinion it was more about ‘dipping a toe’ into the market to see if work was out there, but he understood the concern.

The Chairman asked about the original Partnership Agreement and the right to veto. He was concerned that one Authority could be ‘out-voted’ by the other three on major decisions. The Deputy Chief Executive said a Collaboration Agreement was in place to provide a governance framework for the Partnership and that would remain

under any new model. He was Ashford's representative on the Operational Board and at present if one Council did not want to do something, it did not go ahead. In his view any new Collaboration Agreement should stick to that principle. The Committee proposed an additional recommendation that the Chairmen of the four Audit Committees should be consulted on the new Collaboration Agreement.

Resolved:

- That**
- (i) the Committee is supportive of the proposal to evolve the Internal Audit Partnership to a 'One Team One Employer' model and that this view should be expressed to the Cabinet when the matter is considered in October.**
 - (ii) it be noted that the matter is the subject of full consultation with staff and their representatives across the four Councils.**
 - (iii) the Chairmen of the four Audit Committees in the Partnership should be consulted on the new Collaboration Agreement.**

157 Report Tracker and Future Meetings

The Committee agreed that before the next Meeting on the 3rd December 2013 there should be a pre-Committee briefing at 6pm from Arlingclose, the Council's Treasury Management Advisors. This would be on current treasury management thinking and should be opened up to all Members.

Resolved:

That the report be received and noted.

DS

Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **10th October 2013**

Present:

Cllr. Clarkson (Chairman);
Cllr. Cloughton (Vice-Chairman);
Cllrs. Bennett, Davidson, Davison, Galpin, Howard, Mrs Martin, Robey, Smith.

Apologies:

Cllrs. Chilton, Mrs Dyer.

Also Present:

Policy & Performance Manager, Funding & Partnerships Officer, Member Services & Scrutiny Manager.

158 Declarations of Interest

Councillor	Interest	Minute No.
Davison	Made a 'Voluntary Announcement' as he had been assisting people making applications through the Single Grants Gateway	160

159 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 13th June 2013 be approved and confirmed as a correct record.

160 Review of Single Grants Gateway Funding Priorities

The report explained that a review of the Single Grants Gateway funding and eligibility criteria was being considered by Cabinet later that evening, and subject to Cabinet's approval of the recommendations made in the report, the Terms of Reference of the Single Grants Gateway Panel would need amending. A revised Terms of Reference reflecting the recommended changes was attached to the report.

In response to a question from a Member about 'pre-notification' the Funding & Partnerships Officer explained that 'Expressions of Interest' still applied. The

Member said that the application should state clearly if the local Parish Council had been approached for funding.

A Member asked about the external representative from the Kent Invicta Chamber of Commerce, who had not been attending Panel Meetings. The Chairman said that the intention was to invite the Chairman of the Ashford Branch of the Kent Association of Local Councils (KALC) to replace the Chamber of Commerce in that role. The Terms of Reference would also have to be amended accordingly.

Recommended:

That subject to the approval of the Cabinet to the recommendations made in the report regarding the review of the Single Grants Gateway funding and eligibility criteria, the revised Terms of Reference of the Single Grants Gateway Panel be approved, subject to a further amendment replacing the External Representative from the Kent Invicta Chamber of Commerce, with the Chairman of the Ashford Branch of the Kent Association of Local Councils (KALC).

161 Representatives on Outside Bodies/Organisations

The report advised of the need to make a nomination to the Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee and to nominate a Member Champion for Heritage.

Resolved:

- That**
- (i) Councillor Apps be nominated as a Member representative to sit on the Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee.**
 - (ii) Councillor Mrs Blanford be nominated for the role of Member Champion for Heritage.**

DS

**Standards Committee
8 August 2013**

**Council
17 October 2013**

**Annual Report Of The Council's
Monitoring Officer - 2012-13**

Introduction

1. The principal purpose of this annual report is to assess activity in probity matters, in particular in relation to formal complaints about alleged breaches of protocols and codes of conduct by borough and parish councillors. The report provides an opportunity to review the effectiveness of current procedures based on real data. The year on which the current report is based is 20 July 2012 to 31 July 2013.
2. The Council adopted a new code of conduct for councillors on 20 July 2012. This code was based on Localism Act principles and was developed as a collaborative project by Kent Monitoring Officers in consultation with task groups of councillors within individual councils. The vast majority of district and parish councils in Kent adopted what was called 'The Kent Model Code of Conduct'. It has now been operating for one year.
3. The Borough Council also adopted new procedural "Arrangements" for handling code of conduct complaints. Again this was developed on a Kent-wide basis with the objective of simplifying procedures and removing unnecessary bureaucracy which had beset the previous standards regime.
4. The Council has also adopted a "Good Practice Protocol for Councillors when Dealing with Planning Matters". This sets out detailed best practice rules for this specialist and sensitive area of the Council's work which go beyond the general rules set out in the code of conduct. This protocol now requires significant amendment not only in the light of the operation of the new code of conduct interest provision but also the LGA's recent publication "Probity in Planning".
5. Formal training for members on the code of conduct was deferred pending ongoing discussions between CLG and local government professional bodies seeking clarification about the scope of the new interest rules (Disclosable Pecuniary Interests) and other matters. Government has since issued "Guidance" which has been circulated to all members. The time is right now to re-visit the proposed joint training programme for borough/parish councillors especially now that some limited experience of its operation has been gained. In the meantime the Council will be hosting an externally facilitated training event in November aimed principally at the role of 'Independent Persons' in the new Localism Act conduct regime.
6. Notwithstanding that formal training has not been undertaken in respect of the Code of Conduct, the Monitoring Officer has continued to provide advice to borough councillors and Parish Councils. The Deputy Monitoring Officer recently attended a Parish Forum and spoke at length on the Kent Model Code of Conduct and answered numerous questions.

7. This annual report also includes data on Ombudsman complaints as these are also handled by the Monitoring Officer and his staff. The Standards Committee monitors any issues of probity raised in Ombudsman investigations. In terms of Ombudsman complaints the relevant period is 1st April 2012 to 31 March 2013. As explained below, the data available from the Ombudsman for that year is more limited than usual, although it is anticipated that for future years more detailed analysis will once again be provided.

Code of Conduct 2012/13

8. Complaint activity at Ashford has been low since adoption of the new code. The limited experience of operation makes it rather too early to draw conclusions and identify necessary changes of substance. It is fair to say, however, that no significant procedural or conduct problems have arisen to date in using the new code or 'Arrangements'. The Committee for Standards in Public Life, an independent public body which advises government on ethical standards issues, has announced its intention to review the local government standards regime next year and the outcome of this will provide a good base for any review locally. Also, I am aware that the Leader of the Council has expressed a wish to examine options to further develop the Kent Code to include certain aspects of member responsibilities. Any review would of course proceed by way of reports through the proper channels.

However, in the meantime, it has come to my notice that two definitions within the adopted Kent Code contain typographical errors and obviously these need to be corrected. In addition some minor drafting changes to the "Arrangements" are needed eg: to reflect the police protocol referred to in paragraph 15 below.

9. All Borough Councillor Disclosable Pecuniary Interests (DPI) have been registered with the Monitoring Officer and all are up-loaded and available on the Council's website. The considerable task of assembling, checking and uploading all parish council details onto the Borough Council website is nearing a conclusion.
10. In terms of numbers of formal complaints submitted, the attached TABLE 1 provides information on the four new complaints made in the year, together with the outcome on one case carried forward from the 'old' regime under transitional provisions. Cases where complaint forms were provided to potential complainants, but were not completed and returned, are not included in these figures.
11. The number of formal complaints for 2012/13 has reduced compared to the previous two years (when there were seven and eight "filtering" decisions under the old regime). Of the five cases in 2012/13 two were referred for investigation, although one of these was finally resolved by a formal apology.
12. All meeting agendas include an early item seeking declarations of interest and this item has been amended to reflect the revised interests regime under the Council's new code of conduct. Ad hoc advice on interests is regularly sought from the Monitoring Officer and his staff by borough councillors and parish clerks/councillors particularly in relation to Planning Committee matters. This process continues to demonstrate a good general level of understanding by borough councillors and a desire to comply with the code of conduct.

13. On the basis of all the above matters, I am satisfied that the Borough Council's code of conduct is generally understood and observed.
14. One aspect of the Planning Protocol worth reminding all members about is the recommendation that borough councillors should notify the Monitoring Officer when they make a formal planning application to the Borough Council. The reason for this is to ensure the Monitoring Officer is aware and can, if necessary, ensure proper internal procedures are followed in such cases.
15. During the course of the years, Kent Monitoring Officers have continued to work collaboratively on code issues and have jointly prepared a protocol for working with Kent Police on cases where complaints are made about non-declaration of DPLs and related issues which may, under the Localism Act, amount to criminal conduct requiring police intervention. Essentially this is a procedural protocol to ensure that in the unlikely event of a criminal investigation being triggered there is proper communication between the police, the Council and any councillor.

Ombudsman Complaints 2012/13

16. During the course of the current year the Ombudsman's office changed its business processes and is unable to provide a consistent set of data for the entire year. However they have confirmed that during 2012/13 they received a total of NINE complaints about the Council. There is no breakdown of this by service or outcome. However the Ombudsman has confirmed that next year they will return to their past practice of providing the more detailed information for each authority. The LGO's Annual Letter is attached.
17. To assist members, I have attached at TABLE 2 a list of the seven Ombudsman Complaints of which the Council is aware, together with details thereof and the outcome.
18. In the meantime it is worth noting that the number of complaints has significantly reduced from the previous two years when numbers of complaints were 25 and 26. In addition no complaints have involved a finding of maladministration by the Council. Overall, therefore, the Council's record in relation to Ombudsman case outcomes remains strong.

Recommendations

1. That the report of the Monitoring Officer be received and noted.
2. That the minor amendments to the Code and Arrangements referred to in paragraph 8 of the report be made.

T W MORTIMER
July 2013

TABLE 1

CODE OF CONDUCT COMPLAINTS MADE OR RESOLVED BETWEEN JULY 2012 – JULY 2013			
COUNCIL/CASE REFERENCE	ALLEGATION	DECISION	COMMENTS
ABC/11/05 (ASHFORD)	(1) Non declaration of a Prejudicial Interest. (2) Used position to improperly confer an advantage on another person.	No breach of the Code (this was the pre-July 2012 Code)	This matter was referred for an external Investigation. The Investigation Report found no breach. That finding was accepted by the Monitoring Officer in consultation with the Independent Person.
ABC/12/02A - H (ASHFORD)	(1) Disclosure of Confidential Information to third party by email. (2) Not acting in accordance with the Council's Email Policy.	Informal Resolution in the form of an apology to the Complainants and the Council.	This matter was referred for an external Investigation. However during the Investigation the subject Councillor offered an apology and this was accepted by the eight Complainants. The Investigation was therefore ended.
ABC/12/03 (GREAT CHART)	Breach para 3 (compromise impartiality or integrity of those who work for parish council and bringing office or council into disrepute)	N/A	Awaiting further information from complainant.
ABC/12/04 (GREAT CHART)	As above	N/A	As above
ABC/12/06 (ORLESTONE)	Complaint about parish council's administrative processes in handling a planning application	Complaint withdrawn	Parish Council resolved complaint informally to satisfaction of complainant.

TABLE 2

LGO complaints 2012/13

There are 7 complaints here, the LGO says it has recorded 9 complaints against this council in 2012/13. It may be that the LGO received 2 complaints before the 31 March 2013 of which we are still unaware and on which the LGO has still to make a decision or a reference.

ABC Ref no	ABC Dept	Details	LGO decision
648	Housing	Council failed to allocate sufficient housing priority	To discontinue investigation
783	Planning/ Highways	Council included a proposed motorway junction close to complainant's home in its Local Development Framework (LDF) without requiring an Environmental Impact Assessment.	Not to initiate an investigation
792	Housing	Council failed to take action about alleged anti-social behaviour of neighbours	To discontinue investigation
809	Housing	Council failed to award enough housing priority	To discontinue investigation
915	Planning	Council accused of disregarding its policies with regard to a not-yet-determined planning application next to complainant's home	Not to initiate an investigation
812	Legal	Complaint re Council's decision not to conduct a formal investigation of a complaint that a Councillor had allegedly breached the Code of Conduct.	Not to initiate an investigation
942	Revenues & Benefits	Complaint about reduction in benefits	Outside Jurisdiction

LOCAL GOVERNMENT OMBUDSMAN

16 July 2013

By email

Mr John Bunnett
Chief Executive
Ashford Borough Council

Dear Mr Bunnett

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 9 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

Future development of annual review letters

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to www.surveymonkey.com/s/annualletters

LGO governance arrangements

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor

department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

Publishing decisions

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

Assessment Code

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code

Annual Report and Accounts

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at www.lgo.org.uk

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

PROPOSED AMENDMENTS TO THE CODE AS REFERRED TO IN PARAGRAPH 8 OF THE REPORT

THE CODE

1. Interpretation

In this Code:

“**Associated Person**” means (either in the singular or in the plural):

(a) a family member or any other person **or body** with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or

(b) any person or body who employs or has appointed you or such persons, any

firm in which you or they are a partner, or any company of which you or they are directors; or

(c) any person or body in whom **you or** such persons have a beneficial interest in a class

of securities exceeding the nominal value of £25,000; or

(d) any body of which you are in a position of general control or management and

to which you are appointed or nominated by the Authority; or

(e) any body in respect of which you are in a position of general control or management:

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“**Authority**” means Ashford Borough Council.

“**Co-opted Member**” means a person who is not **an elected** Member of the Authority but who is a member of:

AMENDMENTS TO ARRANGEMENTS

PROCEDURE ON RECEIPT OF A COMPLAINT

- (g) The complaint is relatively minor and/or dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;

4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Member or any other person, the Complainant may be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. **Alternatively the Monitoring Officer will consider the complaint against the legal jurisdiction criteria test and if the complaint passes that test he may pass the complaint to the police. Where a complainant has been advised to refer a matter to the police or the Monitoring Officer has referred the matter to the police** the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.

- 6.1 The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to **seek to** agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

6.4 If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee [and, if applicable, the Parish Council] for information, but will take no further action **against the Subject Member**.

New Clause 6.6 under INFORMAL RESOLUTION

If the Complainant or Subject Councillor do not agree the precise details of the Informal Resolution eg the actual wording of an apology, the Monitoring Officer shall still be entitled to resolve the Complaint by Informal Resolution.

Agenda Item No: 13
Report To: Council
Date: 17th October 2013



Report Title: **Members Allowances – Recommendations from the Members Allowances Independent Remuneration Panel**

Report Author: Senior Member Services & Scrutiny Support Officer – on behalf of the Chairman of the Members' Allowances Independent Remuneration Panel

Summary: The Members Allowances Independent Remuneration Panel met on the 16th September to review the Council's Basic Allowance and all of the Special Responsibility Allowances (SRAs). They also considered SRAs for the two new Advisory Committees and the possibility of introducing some kind of Consumables Allowance for Councillors. The Panel recommended some changes to the levels of Allowance which are outlined in the report along with some other matters detailed within the recommendations.

Key Decision: NO

Affected Wards: N/A

Recommendations: **The Council is asked to consider the report of the Members Allowances Independent Remuneration Panel and, if agreed, implement the Panel's recommendations accordingly (as contained in Paragraph 27 of the report). The Council's Scheme of Members Allowances will need to be updated to reflect the Panel's recommendations.**

Policy Overview: When making changes to the Scheme of Allowances, the Council should take the views of the Independent Remuneration Panel into consideration. Notice that the Council has received a report from the Independent Panel, and the outcomes, will be advertised in the local paper in accordance with the regulations.

Financial Implications: Should the Council agree the Panel's recommendations, there would be a potential increase to the budget for 2013/14 of £9,987.37 and a further £2,880 per annum from 1st April 2014 (as outlined in Paragraph 24 of this report)

Contacts: danny.sheppard@ashford.gov.uk – Tel: (01233) 330349

Members Allowances – Recommendations from the Members’ Allowances Independent Remuneration Panel

Introduction

1. The Members Allowances Independent Remuneration Panel met on the 16th September 2013 to review the Council’s Basic Allowance and all of the Special Responsibility Allowances (SRAs). They were also asked to consider SRAs for the two new Advisory Committees and the possibility of introducing a Consumables Allowance for Councillors intended to provide a separate fund from which Councillors could re-claim the cost of particular items such as printer cartridges, paper and postage stamps. The Panel is chaired by Mr Christopher Page, and the other members are Mrs Judy Blount and Mr Mike Eede. At the Panel’s previous meeting in December 2012 it was agreed that another meeting should be convened during 2013 to review the full level of allowances payable under the Members Allowances Scheme. For avoidance of doubt, the Panel was not asked to examine Childcare and Dependent Carers Allowance or Travel and Subsistence Allowances at this time.
2. The Panel considered a number of background documents by way of information including: - the Terms of Reference of the Panel; an explanatory paper prepared by the Senior Member Services Officer including the current level of allowances payable and comparative data with other Kent Districts and Councils in the wider South-East region; the agreed Terms of Reference of the two new Advisory Committees; the South East Employers Members Allowances Survey 2012/13; a copy of the Council’s current Members Allowances Scheme; and the Local Government (Members Allowances) (England) Regulations 2003. The Panel also interviewed four of the five Group Leaders including the Leader of the Council.
3. The Panel’s recommendations are set out within the report. Part 6 of the Council’s Constitution (Members Allowances Scheme) will have to be updated to reflect any amendments agreed by the full Council.

Method of Annual Adjustment

4. The Panel agreed that the method of annual adjustment for both Basic Allowances and the SRAs should continue to be linked to the annual pay award for staff. This index should run for four years and be reviewed again at the time of the next full review.

Basic Allowance

5. The Panel considered the level of Basic Allowance currently paid (£4,378.12 per annum) in the context of allowances paid by other Local Authorities. It was agreed that there should be no change at this stage. This is with an assumption that some extra help can be given with the purchase of some consumables (please see Paragraphs 20 – 22).

Special Responsibility Allowances (SRAs)

6. The Panel agreed that in order to ensure that the SRAs continued to be based on a logical construct that was transparent, simple and could be easily understood by both Members and the public, they should continue to be linked to the Leader's Allowance as a benchmark. Therefore if the Leader's SRA was seen as 100% then the other SRAs should be a percentage of that. The Panel recommended some changes to the distribution of the SRAs by adjusting the percentages of the Leader's SRA. Most significantly the Panel recommended an increase to the Leader's SRA which was considered low in comparison to other Kent Districts, and a reduction to the Deputy Leader's SRA which was considered high in comparison. As a result of the increased Leader's SRA there will need to be consequential knock-ons to the percentages connected with other SRAs, although there will be no significant changes to the amounts paid below Leader level (some have increased marginally and some have decreased marginally). Full details of the changes are listed below and the net effect is outlined in the Budget Implications section of this report.

N.B. – All recommendations were made considering comparative data from Kent and South East Districts and taking into account the comments of those Group Leaders interviewed and the potential knock-on effects of raising the Leader's SRA.

Leader

7. It was recommended that the Leader's SRA be increased to £18,000 per annum (currently £14,321.33). It was considered that the current level was low in comparison to other Kent and South-East Districts. Given the Leader's workload and the size and nature of Ashford as a growing Borough, and the consistent comments of those Members interviewed, the Panel agreed that the SRA for the Leader should be pitched slightly higher than the Kent average rather than lower, as it was currently.

Deputy Leader

8. It was recommended that the Deputy Leader's SRA should be reduced as it was relatively high in comparison to other Kent Districts. The current level at Ashford was 66% of the Leader's SRA and it was recommended that this be reduced to 50%. Given the increased Leader's SRA this would result in a Deputy Leader's SRA of £9,000 per annum (a reduction from £9,538.01 currently).

Other Cabinet Members

9. The Panel considered these were set at about the right level. Given the recent increase of Cabinet Members from eight to ten it was not thought that this level should rise significantly. Given the increased Leader's SRA, the Panel recommended that this should be based on 40% rather than the existing 50% or £7,200 per annum (a slight increase from the current £7,160.67).

Chairman of Planning Committee

10. The Panel recognised the importance of this role, particularly in the Ashford Borough, and the workload and responsibility attached. They recommended a level of 33% for this SRA or £6,000 per annum (a slight increase from the current £5,728.53).

Chairman of the Overview & Scrutiny Committee

11. Whilst recognising the importance of this role, the Panel did consider that in setting percentages of the Leader's SRA this should be pitched slightly lower than the Chairman of the Planning Committee given the workload and responsibility attached to the respective roles. Therefore they recommended a level of 30% for the Chairman of Overview & Scrutiny or £5,400 per annum (a slight reduction from the current £5,728.53).

Chairman of Audit Committee

12. The Panel recommend a level of 25% for this SRA or £4,500 per annum (a modest reduction from the current £4,773.78).

Vice-Chairmen of Planning, Overview & Scrutiny and Audit Committees

13. The Panel recommended that these continue to be paid at 33% of the respective Chairman's SRA.

Lead Members

14. The Panel recommended a level of 10% for this SRA or £1,800 per annum (a modest reduction from the current £1,909.51). It was noted that no Lead Members had been appointed for 2013/14.

Chairmen of Licensing, Joint Transportation Board and Independent Person in relation to Standards matters.

15. The Panel recommended a level of 8% for these SRAs or £1,440 per annum (a modest increase from the current £1,432.13).

Chairman of Overview & Scrutiny Task Group

16. Chairmen of these Task Groups are currently paid a one-off sum of £50 as an SRA in recognition of the effort needed to drive Task Groups and as an incentive to volunteer as Chairman. The Panel considered that this was an insignificant and almost 'derisory' amount and recommended that this allowance be removed.

Group Leaders

17. The Panel recommended no change to the current level of £220.12 per annum per Group Member (a Group is considered a minimum of 2 Members).

The Two New Advisory Committees

18. The Panel was advised of the establishment of the Transportation, Highways & Engineering Advisory Committee and the Education & Vocational Skills Advisory Committee back in May 2013 and the need to set an allowance for the Chairmen of these two new Committees. The Panel recommended that this should be in line with the Chairs of Joint Transportation and Licensing and the Independent Standards Person at 8% of the Leader's SRA or £1,440 each. This would need to be backdated to May 2013 when the Committees were constituted.

Recommended Levels of Allowances Payable from the 1st April 2014

19.

Allowance	Amount Payable £	% of Leaders Allowance
Basic	4,378.12	N/A
Leader	18,000.00	100%
Deputy Leader	9,000.00	50%
Other Cabinet Members	7,200.00	40%
Chairman of Planning	6,000.00	33%
Chairman of Overview & Scrutiny	5,400.00	30%
Chairman of Audit	4,500.00	25%
Lead Members	1,800.00	10%
Chairman of Licensing and Health & Safety	1,440.00	8%
Standards Committee Independent Person	1,440.00	8%
Chairman/Vice Chairman of Joint Transportation Board (whichever is held by the Ashford Borough Council Member)	1,440.00	8%
Chairman of Education & Vocational Skills Advisory Committee	1,440.00	8%
Chairman of Transportation, Highways & Engineering Advisory Committee	1,440.00	8%
Group Leaders	220.12 per Member	

NB 1: Eligible Vice Chairmen (Planning, Overview & Scrutiny and Audit) are paid 33% of their respective Chairman's SRA)

NB 2: It should be noted that under a protocol previously agreed by the Leader, the Leader of the Council, Deputy Leader and Cabinet Members are not entitled to claim more than one SRA other than that allocated to a Group Leader. Therefore, if a Member fills one of those roles and a Chairmanship/Vice-Chairmanship as detailed above simultaneously, they will be entitled to receive only the higher of the two amounts.

Consumables Costs

20. The Panel considered a proposal from the Leader of the Council with regard to the establishment of a Consumables Allowance for Councillors. This would be administered in the same way as the current Travel and Subsistence Allowances whereby re-imburement for a qualifying item can be made on production of a receipt or proof of purchase. He had stated that with the ever increasing cost of items such as printer cartridges, computer paper and postage stamps, along with the increasing demand for Councillors to use their own IT to digest documents and communicate from home, there was an increasing financial burden being placed on Elected Members. This was considered particularly true for those who only received the modest Basic Allowance.
21. The Panel noted that the Council had no power under the relevant statutory regulations (The Local Authorities (Members' Allowances) (England) Regulations 2003) to pay a Consumables Allowance as part of an Allowances Scheme. Accordingly the Panel did not consider they had any power to approve or reject such an allowance. However, given that they were asked to consider the proposal, they did support in principle that certain consumables costs should be met by the Council. The Panel also noted that the current Scheme of Members Allowances states at Paragraph 1 that the Basic Allowance *"is intended to cover a notional £240 per year for telephone calls related to Council activity on the part of Members, and other incidental expenses such as stationery and computer peripherals such as print cartridges"*. In discussions with the Group Leaders it became apparent that the main point of strain for some Members appeared to be the cost of printer ink cartridges, so the Panel suggested that consideration be given to extending the Members IT Scheme. Members who were incurring abnormally heavy printing costs could take the standard PC/laptop and printer package from IT. The scheme could then be extended to allow Members to claim printer cartridges for that particular printer directly from IT. This would mean that IT would have to hold a stock of these and there would obviously be a knock-on budget implication. To avoid IT having to keep stocks of multiple types of printer cartridge, Members who made their own IT arrangements would not be eligible to obtain cartridges from the Council.
22. Since the Panel Meeting I have consulted the Council's IT Operations Manager about this and he has concerns about the Panel's proposal as he considers that holding stocks could be wasteful. He also had concerns that the proposal could be seen as unfair to those Members who made their own IT arrangements who would not be able to access print cartridges. In view of

these comments the Council is asked whether it would like to accept the recommendation of the Panel with regard to printer cartridges, leave matters unchanged with regard to consumables, or consider some other mechanism to allow Members' printer cartridge costs to be reimbursed. For example, the creation of a separate budget (outside of the Allowances Scheme) against which Members could claim for printer cartridge costs.

Future Reviews

23. The Panel agreed that the full level of allowances should be reviewed again in four years' time, along with the method of adjustment, but the Panel would meet again in the meantime if any matters for consideration arose.

Budget Implications

24. The current SRA Budget is £108,000, although a pressure was already expected for 2013/14 due to the two additional Cabinet Members and the two new Advisory Committees. Taking into account the two additional Portfolio Holders and the recommendations of the Panel there is an overall estimated growth to this year's budget of £9,987.37, and if the recommendations for 2014/15 are implemented as proposed, the maximum SRA budget would be £120,665.16 - an overall annual increase of £12,665.16. However, this is expected to be slightly lower due to Cabinet Members also being appointed to positions eligible for additional SRAs, but this cannot be guaranteed. There will also be an unspecified but very minor saving from the proposal to remove the one-off sums paid to Chairmen of the Overview of Scrutiny Task Groups.
25. There could be an additional budget implication depending on the decision of the Council on Consumables/Print Cartridges.

Summary of Recommendations

26. The recommendations of the Panel do not have to be agreed by the Council but there is a duty to have regard to them in making or amending a Members Allowances Scheme. (The Local Government (Members Allowances) (England) Regulations 2003, Part 4, Paragraph 19).
27.
 - (a) **No change be made to the Basic Allowance and the method of annual adjustment continue to be linked to the annual cost of living rise for staff (this index to run for four years and be reviewed at the time of the next full review).**
 - (b) **Changes be made to the distribution of the SRAs by way of increasing the Leader's SRA and adjusting the percentages with effect from 1st April 2014. The proposed changes are detailed in full in Paragraphs 7 – 17 of the report and the Table at Paragraph 19.**
 - (c) **The SRA for the Chairmen of the new Transportation, Highways & Engineering and Education & Vocational Skills Advisory Committees be paid at 8% of the Leader's SRA – or £1,440 per annum and payment of this be backdated to May 2013 when the Committees were constituted.**

- (d) **The SRA of £50 for the Chairmen of Overview & Scrutiny Task Groups be removed with effect from 1st April 2014.**
- (e) **The Council is asked what action, if any, it would like to take with regard to the issue of a Consumables Costs (Paragraphs 20-22 of the report refer).**
- (f) **The full level of allowances should be reviewed again in four years' time, along with the method of adjustment, but the Panel will meet again in the meantime if any matters for consideration arise.**

With the exception of the SRAs for the new Advisory Committees, it is intended that any recommendations in relation to allowances agreed by the Council come in with effect from 1st April 2014 so that they can be built into this year's budget build.

Portfolio Holder's Views

28. The Leader of the Council was interviewed at the Panel Meeting and his views on the report will be given at the Council Meeting.

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