

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **7th November 2013**.

Present:

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

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

Apologies:

Cllrs. Clarkson, Davison, Yeo.

Also Present:

Cllrs Bennett, Britcher, Burgess, Chilton, Clokie, Marriott, Michael, Smith, Wedgbury.

Chief Executive, Head of Legal & Democratic Services, Head of Planning and Development, Head of Customers Homes and Property, Finance Manager, Policy and Performance Manager, Policy and Performance Officer, Assistant Communications Officer, Member Services and Scrutiny Manager.

196 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 10th October 2013 be approved and confirmed as a correct record.

197 Leader's Announcements

The Deputy Leader referred to the fire in Tenterden High Street which had affected three businesses namely Webb's, Café Rouge and Waterstones. He explained that Webb's had been established for over a hundred years and said that he was sure that Members' thoughts were with the Webb family at this time, and the owners and staff of all three businesses. He paid tribute to the fire fighters and said that it demonstrated how valued a service they were.

A Member explained that the excellent efforts of the Fire Service had probably saved two Listed Buildings either side of the Webb's building.

The Deputy Leader then said that he and other Members had attended a preview of the new John Lewis at Home Store on the previous evening and he said that today, which was the official opening, appeared to have been a great success. He also explained the Kentish Express that day had covered the news that Morrison's wished to develop a store in Ashford and hoped to begin development sometime next year

subject to planning permission. He also referred to on-going work in terms of the Elwick Road site, the extension of the Designer Outlet, the work on Farrow Court and the re-development of the Panorama building and said this all demonstrated that it was an exciting time for Ashford. Having said that he stressed the importance the Council still maintained in terms of the independent traders within the town.

In conclusion the Deputy Leader advised that the Leader of the Council's operation was scheduled to take place on the 25th November 2013 and said that the last time he had spoken to the Leader he had been in good spirits awaiting his operation. He advised that the Leader had been touched by the card signed by all Members wishing him well.

198 To consider the Notice of Motion referred from the Council Meeting held on 17th October 2013

Set out within the Agenda was the Motion submitted by Councillor Clark to the Council meeting held on the 17th October 2013.

Tabled at the meeting was the Portfolio Holder for Planning and Development's comments on the Motion. The Portfolio Holder stated that the Council fully supported the crucial importance of retaining local pubs and the vital role they played in local communities. He explained that there was always the opportunity for a local community group to acquire any threatened local pub and the Council was more than happy to see if it could facilitate such an acquisition, although of course the commercial arrangements of the pub were a matter for the community group concerned and not the Council. The Portfolio Holder further explained that when proposals were made to change a pub's use, in the vast majority of cases it was to residential use. This required planning permission and the Council had a policy-base that sought to restrict this. However, if the business was generally no longer profitable then it was unrealistic to think that the planning system could ignore market forces. In these circumstances there might be the opportunity to seek rate relief where the pub was the sole remaining such facility in a location and this might help to keep the pubs viable. The Portfolio Holder said that in view of his comments and local experience in respect of changes of use, seeking additional planning controls or legislative changes was disproportionate and unnecessary and therefore he did not support the Motion.

Resolved:

That the Motion be not supported.

199 Change to order of Agenda

The Chairman explained that Item 10 - Community Right to Challenge: Rejection of Expression of Interest was an Information/Monitoring Item and therefore would be dealt with under Part IV of the Agenda.

200 Housing Revenue Account Business Plan 2013-2043

The report provided an annual update to Members on the financial projections associated with the HRA Business Plan.

The Vice-Chairman in the Chair drew attention to Recommendation (i) which was to agree the Business Plan and to invite Overview and Scrutiny to agree the plan as part of the Budget Scrutiny process. He also referred to paragraph 23 regarding Welfare Reform, and the comment which stated that statistics to date for Ashford continued to show high rent collection levels in the year with no material rise in arrears. He believed that this was not the case in some parts of the country and considered that it demonstrated the hard work of Officers in managing the changes stemming from Welfare Reform.

The Portfolio Holder explained that she was very pleased with the management of the accounts by the Officers. She said that the closing balances set out in Appendix B of the Business Plan might give Members a misleading understanding of the figures. She explained that the reason that the balances were high was because of the diligence of Officers in accumulating a generous credit balance so that the Council could pursue its new build housing programme. The main project in hand was Farrow Court and she said that Members could see that the forward balances would decrease as the building programme was implemented. This had taken into account the increased cost of repairs expenditure and the reduced funds from the Kent County Council under the Supporting People Programme. The Portfolio Holder further explained that because the Government had brought forward the rent convergence scheme by one year, the Council would lose in the region of £200,000 per annum. The Portfolio Holder also drew attention to the PFI Scheme at Stanhope and explained that of the £3,972,000 expenditure the Council received a PFI grant from the Government of £3m.

The Portfolio Holder also said that there was a total of 5,042 properties in the borough supported by the HRA and a further 3,088 which were managed by Housing Associations. In conclusion she said she would like to thank Officers for the comprehensive report on the Business Plan.

A Member referred to the graphs in paragraphs 13 and 14 of the report and explained that the way they had been printed made it difficult to differentiate the information contained within the tables. He also questioned why there was no variation in the Capital Expenditure and Resources graph. The Portfolio Holder for Resource Management and Control said he agreed with the Member's comments about the reproduction of the graphs, but said that Graph 2 showed that borrowing was following expenditure and showed variability.

The Finance Manager said that for future reports he would ensure that the graphs were produced in a format suitable for black and white reproduction. He also said that it was possible within the HRA Business Model for expenditure to exceed resources.

In response to a further question the Finance Manager explained that the inflation figure of 1% shown was based on the experience of Officers in managing work within their work programme by using schedules to keep costs within budget.

Resolved:

- That (i) **the HRA Business Plan be agreed and the Overview and Scrutiny Committee be invited to agree the Plan as part of the Budget Scrutiny process.**
- (ii) **an annual update continue to be received.**

201 Informal Practice Guidance for Solar Farm Developments

The report set out proposed informal practice guidance on small and large solar farm developments. The guidance would inform potential applicants in choosing appropriate sites for such schemes and inform the Council in making decisions on planning applications for such developments.

The Vice-Chairman in the Chair explained that although the document was informal practice guidance the Council had taken account of national guidance on the issue. He further explained that the document had been produced based on guidance from Cornwall Council, who had a great deal of knowledge in the area of solar farm development.

The Portfolio Holder said that the guidance had been produced to allow it to be taken into account when the Borough Council considered the three current applications it had received for solar farm developments. He explained it was likely that the first of the three applications would be the one submitted for Pluckley which would be dealt with at the Planning Committee on the 20th November 2013. The Portfolio Holder then referred to a letter dated 1st November 2013 he had received from the Minister of State for Energy which he read to the meeting. He also read his Portfolio Holder comments set out in the covering report.

The Portfolio Holder for Tourism and the Rural Economy said that she was aware of residents' concerns that the guidance would not have the status of Supplementary Planning Guidance but she accepted that some form of guidance needed to be in place prior to the Planning Committee hearing the applications. A Member, whilst supporting the guidance said that it was important to be able to deal with the restoration of the site following the end of the life of the individual solar farm. He also explained that he was one of the representatives on the River Stour Internal Drainage Board who were concerned that applications needed to be carefully considered as if solar panels were not aligned correctly they could cause problems with water run off.

Another Member explained that the document showed that there were two types of solar farm development with different heights, one of which was high enough for a cow to graze under and one high enough for a sheep to graze under. He said that

there was a balance to be struck as the increased height of the development would allow more grass to grow and be used by cattle. However if the development was too high it could cause problems in terms of the visual amenity of the surrounding area.

In response the Head of Planning and Development explained that the issue of grazing had been raised already by objectors to the applications submitted and he acknowledged that it was part of the consideration of the planning application. He explained that from a recent presentation the developers of solar farms had indicated that at the end of a 25 year period, which was the life of the farms, the panels would be likely to have a recyclable value. The report made it clear that a condition requiring site restoration would be attached to any permission. He also indicated that he thought it was important to take stock after the consideration of the three current planning applications.

In response to further questions the Head of Planning and Development explained that the report to be produced for the Planning Committee on 20th November would deal with the scope for other similar schemes within Ashford which he explained was relatively limited due to the need for the sites to be able to connect up with and transmit the energy produced to the National Grid. He also clarified that the obligations on the planning conditions would remain with the planning permission and the land, and therefore if the site was sold the same conditions would apply. A Member referred to roof or wall mounted domestic scale (4kW) solar PV panels and said that he considered that there was a need to establish the definition of what generating capacity would be achieved from developments and suggested that it should be a percentage of a specified figure.

Resolved:

That the documents attached to the report be adopted as informal practice guidance.

202 Ashford Borough Council's Performance – Quarter 2 2013/14

The report advised Members and the public on the performance of the Council during the quarter. This included information on what the Council 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 Portfolio Holder considered that the report demonstrated good performance over Quarter 2 and congratulated all staff for their work.

In response to a question from a Member regarding whether the 20% less who were seeking Job Seeker's Allowance last year stemmed from the school leaving age increasing, the Policy and Performance Officer clarified that the 20% related to all those who had been seeking Jobs Seeker's Allowance and not just the youth element. The Portfolio Holder for Town Centre and Urban Economy confirmed that

the Economic Development Manager could supply more detailed figures on the breakdown of those who claimed Job Seeker's Allowance.

Resolved:

That the performance for Quarter 2 be noted.

203 Second Quarter Budget Monitoring Report 2013/14

The report presented the Second Budget Monitoring Report for the current year based on the first half of the year to the end of September 2013. The report showed a revised forecast with an overall pressure of £179,000 and the Housing Revenue Account was reporting a deficit of £322,000.

The Portfolio Holder said that the Council was well equipped to meet the various budget pressures outlined within the report and he was confident that at year end it would be at or close to balanced.

In response to a question from a Member as to whether any costs stemming from the overrun of the waste contract could be claimed from Biffa, the Chief Executive explained that meetings were being held with Biffa with a view to recovery of some of the expenditure. He also clarified that in relation to the Street Cleansing Contract the anticipated £100,000 saving stemmed from how the specification for the original Street Cleansing Contract had been established over the three boroughs.

The Portfolio Holder for Housing and Customer Services explained that if a suitable building was found for the Council to purchase it would be possible to reduce the bed and breakfast pressure. She also explained that the proposal in terms of The Limes was to relocate the play park from one end of the green to the other.

The Portfolio Holder for Culture and the Environment endorsed the comments made by the Chief Executive regarding the Waste Collection Contract and said that it partly stemmed from the early roll out of the green waste collection bins but she said that due to the overall take up of the garden waste collection service, the costs should be recouped over the next few years.

Resolved:

That the second Quarter Budget Monitoring Report for 2013/14 and the actions proposed by the Management Team to manage the forecast pressure be noted.

204 Community Right to Challenge: Rejection of Expression of Interest

The report notified the Cabinet of the use of the Chief Executive's urgency power to reject an Expression of Interest under the Community Right to Challenge. This was in accordance with the Constitution and in consultation with the Leader of the Council and the Head of Legal & Democratic Services.

Resolved:

That the use of the Chief Executive's Urgency Power to reject an Expression of Interest under the Community Right to Challenge be noted.

205 Planning Task Group

Resolved:

That the Notes of the Meetings of the Planning Task Group held on the 9th and 23rd October 2013 be received and noted.

206 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)

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Queries concerning these Minutes? Please contact Keith Fearon:
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