



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 12th December 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 17 th October 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 7 th November and 5 th December 2013 (to follow)	2-8

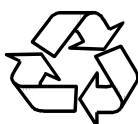
9. To receive the Minutes of the Audit Committee held on the 3rd December 2013 (to follow)
10. To consider Motions of which Notice has been given pursuant to Procedure Rule 11
11. Questions by Members of which Notice has been given pursuant to Procedure Rule 10

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/VS
4th December 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, with revisions adopted on 17.10.13, 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 **17th October 2013**

Present:

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

Cllrs. Aaby, Adley, Apps, Bartlett, Mrs Bell, Bell, Bennett, Mrs Blanford, Britcher, Buchanan, Burgess, Chilton, Clark, Claughton, Clokie, Davey, Davidson, Davison, Mrs Dyer, Feacey, Galpin, Heyes, Mrs Heyes, Hicks, Hodgkinson, Howard, Mrs Hutchinson, Link, Marriott, Miss Martin, Mrs Martin, Michael, Mortimer, Robey, Shorter, 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 Monsieur Jacques Faucheux who was the Mayor of Fougères from 1983 to 2007 and who had recently passed away.
2. The Reverend MacKenzie said prayers.

Apologies:

Cllrs. Clarkson, French

His Worshipful the Mayor advised that a card for the Leader of the Council was circulating in the Council Chamber that evening for Members to sign and he said that he was sure that Members would wish to send their best wishes to the Leader for his forthcoming operation and subsequent recuperation.

Also Present:

Chief Executive, Deputy Chief Executive, Head of Legal and Democratic Services, Member Services and Scrutiny Manager.

181 Exempt or Confidential Information

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

182 Minutes

Resolved:

That the Minutes of the meeting of the Council held on the 18th July 2013 be approved and confirmed as a correct record.

183 Announcements

(a) Deputy Leader

The Deputy Leader said that he was sure colleagues would have noticed that there was a great deal happening across the Borough with various major developments taking significant steps forward and he said he would like to take a few moments to update colleagues on some of them.

The Deputy Leader said that the renowned developer Crest Nicholson had begun work on the first phase of its much anticipated 168 hectare development at Finberry, the former Cheesemans Green site. The new community would comprise of 1,180 homes, a primary school, convenience store, local restaurant, health centre and various communal facilities such as a community centre and sports pitches. Not only would the development mean new homes and community facilities, but would provide many new jobs locally from the construction phase right through to its completion. It was the largest site the Borough had seen developed since 2002 and was a sign of the sustained confidence in the Ashford market.

The Deputy Leader then said that it was less than six months after the official launch of The Panorama (the former Charter House building) and advised that he was pleased to report that all apartments on floors 1 to 6 had sold out which left 26 apartments remaining on floor 7. Ashford's landmark building was undergoing a regeneration led by developers Dukelease Properties which would see the former office block transformed into 234 luxurious open plan apartments. He considered that this was further proof that the housing market in Ashford was buoyant and once again demonstrated Ashford was one of the fastest growing economies in the South East. He said that he was sure that all were looking forward to welcoming John Lewis to Ashford in a few weeks' time when it opened on the 7th November 2013.

The Deputy Leader explained that all quality developments coming forward would have a positive effect on our economy and quality was a key word and high on the Council's agenda, as demonstrated by the Chilmington Green Quality Charter which the Council and developers had signed up to, to ensure quality was at the heart of a major new development. The Agreement, which was believed to be the first in the UK, was a statement of intent and set out how the developer team would work with the Council and local community to design and deliver a great place.

Another project the Council was leading on was Farrow Court and the Deputy Leader advised that he had had great pleasure in attending a ceremony there a few weeks' ago to mark the official start of work on site. Damian Green MP, Portfolio Holder for Housing Councillor Hicks, several other Members and Graham Brown Chairman of Denne and most importantly a whole host of Farrow Court residents had been there to celebrate the beginning of the construction phase. The new dementia- friendly accommodation would offer 100 high quality living units, including learning disability units and recuperative care units for people released from hospital who needed respite before they returned to their home. There would also be a new day care centre, communal facilities, a hairdressers and a restaurant that could be used by the local community and not just residents. It would also be built to the Council's lifetime living standards. Existing residents were overwhelmingly in favour

of the plans and this truly was going to revolutionise the way the provision for older people was delivered in the future.

The Deputy Leader then referred to the Town Centre and said that those who'd like to "pop up town" could now pop into Ashford's very own PopUp store which had opened its doors for the first time on 14th October 2013. Ashford Town Team, set up by the Borough Council had joined forces with PopUp Britain to launch Kent's first PopUp Britain shop in the Town Centre and offered a selection of start up businesses a chance to test their trade on the High Street. The PopUp shop would run for six months, with different retailers sharing and co-funding the space for between two and four weeks at a time.

PopUp Ashford would not only give local entrepreneurs a town centre shop front and direct access to consumers, but would also help to boost Ashford's retail offer and encourage more businesses to give the Town Centre a chance.

Further support for the town would come in the form of a new Strategic Delivery Board set up to support delivery of six key initial projects which were critical to the future economic growth and prosperity of the Borough. The Board had been set up to make sure these initial projects came to fruition as quickly as possible. The Deputy Leader said that the Council had identified in its Corporate Plan these "big six" projects which would enhance facilities for the residents, create jobs and improve economic growth. He said that those Members who had read the Kentish Express that day would have seen the generous spread they had given to the story. Finally, the Deputy Leader referred to the statement made by the Mayor earlier in the meeting and confirmed that a card was circulating for Members to sign for the Leader of the Council pending his forthcoming operation and he advised that he had visited him the previous day and he was in very good spirits. He said that once all Members had signed the card he would deliver it to the Leader personally the following morning.

(b) Councillor Mrs Blanford, Portfolio Holder for Culture and the Environment

Councillor Mrs Blanford explained that she wished to inform Members that she had the interim figures for the first three months of the new Recycling and Waste Collection Service and said she was happy to say that these showed a massive improvement in recycling rates in that these were now running at around 50% which was a great step up from last year's figures which indicated that we were behind every other Council at 14%. She explained that this had been a massive project for the Borough Council, launching a major new service involving the delivery of 200,000 bins to around 52,000 homes in the biggest borough in Kent, 220 square miles. She explained that there were early teething problems and said that she would have liked some of those to have been resolved more quickly but she said she was now delighted to report that the service was performing very well indeed.

In addition to the normal service, the Council ran an assisted service for elderly or infirm residents and the Council had introduced an improved service for the village and church halls and shortly the service would be rolled out to flats and communal properties. The optional garden recycling scheme had been very much more

popular than expected, with over 9,000 subscribers to date. Councillor Mrs Blanford said she thought the Borough looked much tidier with neatly arranged bins at the kerbside on collection days rather than sacks which may have been attacked by animals.

Councillor Mrs Blanford then said that she had to warn Members though that DEFRA would be issuing its annual recycling figures at the beginning of November and these would not show the massive improvements that current figures showed as they would be last year's figures based on the old service. She therefore asked Members not to be disappointed but to rejoice in the new improvements which had been made.

Councillor Mrs Blanford then said she would like to take this opportunity of giving advance notice of a meeting for all Members to be held on Thursday 14th November 2013 at Biffa's offices in Cobbs Wood where Members would be able to see the Biffa operation at the transfer station and also view a DVD of the operations at the materials recycling facility run by Biffa at Edmonton which showed how the recycle was sorted into component parts. Finally the Borough Council, with Biffa, were responsible for instituting the new service but she said it was the willing support and, in most cases, enthusiasm of the residents which was making it a success for which she was truly grateful.

184 Questions from Members of the Public

In accordance with Procedure Rule 9.3, Mr Relf, a local resident said that he had three questions he wished to ask. Mr Relf said that in view that there were significant serious clinical incidences occurring it was important that the Clinical Commissioning Group received their maximum entitlement of funding which was based on individuals in the Borough. Mr Relf sought an assurance that the relevant data was provided to the Government in this regard. Mr Relf also referred to the accuracy of the Borough Council's Electoral Register.

The Deputy Leader said that he was sure that Mr Relf was aware that the Borough Council worked closely with the Clinical Commissioning Group including through the new Health and Wellbeing Board for which he was the Chairman. He said he did not profess to have a detailed understanding of the complexities of their funding arrangements but he could confirm that the Borough Council provided all relevant data to Government when Government requested it. One of the only returns Government requested when calculating the Revenue Support Grant was its tax base information. The Borough Council's Electoral Registration data was not provided to Government except as part of the National Fraud Initiative.

Mr Relf then referred to the Stour Centre overspend and the issue of recovering money from the architect. He asked how was this progressing and how much had it cost so far pursuing it?

In response, the Deputy Leader advised that the Council had received a confidential report on the Stour Centre Remodelling Project in October 2012 but he said he was afraid that he was unable to comment publicly on progress or cost at the present time.

Mr Relf then said that he had noticed in the Minutes he had examined that the General Fund loan of around £5 million was showing 5.6% over 49 years. The other loans shown which related to housing revenue were less. Mr Relf asked what were the monthly repayments on the general fund loan?

The Portfolio Holder for Resource Management and Control explained that the Council had two pools for long-term debt, one for the Housing Revenue Account and one for the General Fund. The Council had no long term borrowing for the General Fund.

The Council had long-term debt in its housing pool totalling £119.6 m at an average rate of 3.06% and this was divided over 23 loans of different maturity periods. This was a consequence of the Government policy requiring Councils to “buy out” of the housing subsidy regime. One of the loans in the pool for £5.9 m was at an interest rate of 5.26% but this was taken out before the housing subsidy “buy out”.

The Portfolio Holder therefore said that the total interest paid by the Housing Revenue Account was £3.7 m per annum and was paid in two instalments. This was ring-fenced within the Housing Revenue Account and therefore did not impact upon the General Fund and Council Tax payer. He said that the remainder of the loans were at a lower rate because Government granted a discounted interest rate to Councils for one day specifically for the Housing Revenue Account “buy out”. However, the Portfolio Holder said on occasions the Council needed to borrow to fund short-term cash flow. In conclusion the Portfolio Holder explained that currently the Authority had no short-term borrowing. The cost of this type of borrowing was apportioned between the HRA and General Fund and in 2012/13 the total cost of this borrowing was in the region of £1,000.

His Worshipful the Mayor advised that Mr Relf would be sent written copies of the replies.

185 Cabinet - 12th September and 10th October 2013

(a) 12th September 2013

Resolved:

That (i) the Minutes of the meeting of the Cabinet held on the 12th September 2013 be received and noted with the exception of Minute Nos. 132, 133 and 134.

(ii) Minute Nos. 132, 133 and 134 be approved and adopted.

(b) Cabinet 10th October 2013

Resolved:

That subject to the expiry of the period by which decisions arising from the meeting of the Cabinet held on the 10th October 2013 may be called in, ie 23rd October 2013:-

- (i) **the Minutes of the meeting of the Cabinet held on the 10th October 2013 be received and noted with the exception of Minute Nos. 165, 166, 169, 170, 172 and 174.**
- (ii) **Minute Nos. 165, 166, 169, 170, 172 and 174 be approved and adopted.**

186 Standards Committee - 8th August 2013

Resolved:

That the Minutes of the meeting of the Standards Committee held on the 8th August 2013 be approved and adopted.

187 Audit Committee - 26th September 2013

The Chairman of the Audit Committee drew attention to the issue of related party transactions and advised that he understood at least two Members had yet to sign and complete the relevant forms. He explained that this was delaying the signing off of the audit of the Borough Council.

His Worshipful the Mayor considered that the Members concerned should be requested again to complete and return the forms.

Resolved:

That the Minutes of the meeting of the Audit Committee held on the 26th September 2013 be received and noted.

188 Selection and Constitutional Review Committee – 10th October 2013

Resolved:

That the Minutes of the meeting of the Selection and Constitutional Review Committee held on the 10th October 2013 be approved and adopted.

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

The meeting considered the report of the Monitoring Officer which was the annual report to both the Standards Committee and the Council on activity in terms of probity matters including formal complaints about alleged breaches of approved protocols and Codes of Conduct by Borough and Parish Councillors.

Resolved:

That the Monitoring Officer's Annual Report be received and noted.

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

The report advised that the Members' Allowances Independent Remuneration Panel had met on the 16th September 2013 to review the Council's Basic Allowance and all of the Special Responsibility Allowances (SRAs). They had also considered SRAs for the two new Advisory Committees and the possibility of introducing some kind of consumables allowance for Councillors. The Panel had recommended some changes to the levels of allowance which were outlined in the report together with some other matters which were set out within the recommendations.

The Deputy Leader said that he was sure Members would have read the report with interest and noted the recommendations. He explained that whilst the recommendations were not binding, Members' Allowances and proposed changes to those Allowances must, of course, be given all due consideration and Members should be mindful over a number of factors which included the scale of those proposed changes; any financial implications and in stringent times, public perception.

The Deputy Leader said that the Independent Remuneration Panel should be thanked for their diligence and explained that as the figures showed, whilst there were no proposed changes in the basic allowance, there would be a potential overall annual increase to the Budget which was clearly set out. With regard to this, just under £4,000 was shown as an increase on the Leader's SRA. The Deputy Leader advised that the Leader had no intention of taking that increase. The Deputy Leader said that levels of workload inevitably varied from Council to Council, that in respect trying to draw comparisons with other Kent and South East counties could lead to a bit of a slippery slope. Circumstances could differ greatly and rather like school league tables they rarely gave the full picture.

In terms of the recommendations the Deputy Leader proposed that the recommendations (a), (b), (d) and (f) be noted with the caveat that they would not be implemented at the present time and also that allowances be reviewed again in 2015 and not in four years' time as suggested. The Deputy Leader also proposed that recommendation (c) be accepted as those Committees had already been established. In terms of the issue of consumables set out within recommendation (d) he proposed that if Members had not spent their full IT allowance for the current 4 year term it could be claimed for consumables, cartridges, paper, envelopes etc. This was seconded by Councillor Galpin.

Resolved:

- That (i) the recommendation that 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 be reviewed at the time of the next full review) be noted.**

- (ii) **the recommended changes to 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 2015 be noted but not be implemented at the present time.**
- (iii) **the SRA for the new Chairmen of the new Transportation, Highways and Engineering and Education and Vocational Skills Advisory Committees be paid at the same level as the Chairman of the Licensing and Health and Safety Committee ie £1,432.13 per annum and payment of this be backdated to May 2013 when the Committees were constituted.**

Note: This takes account of the decision taken in (ii) above to not implement the revised SRA for the Leader and therefore reflects the current percentage of the Leader's SRA.

- (iv) **it be noted that the recommendation that the SRA of £50 for Chairmen of the Overview and Scrutiny Task Groups be removed with effect from 1st April 2014 be noted but not implemented at the present time.**
- (v) **if Members have not spent their full IT allowance for the current 4 year term up to May 2015 it can be claimed for consumables, cartridges, paper, envelopes etc.**
- (vi) **the full level of Allowances be reviewed in May 2015 but the Panel will meet again in the meantime if any matters for consideration arise.**

191 Notices of Motion

The summons for the meeting set out the following motion submitted by Councillor Clark.

"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 payday loan stores or other uses, or 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".

His Worshipful the Mayor invited Councillor Clark to move his motion. Councillor Clark started to expand upon the reasons for the Motion. His Worshipful the Mayor advised that Councillor Clark should only propose the Motion. Councillor Mrs Martin sought clarification as to why the Mayor had requested Councillor Clark to not expand upon the reasons for the Motion.

His Worshipful the Mayor advised that this was because the subject matter was in the remit of the Cabinet and that debate should take place in that forum. The Deputy Leader said that he believed that confusion had been caused due to the fact that Councillor Clark had not started to speak by moving the Motion set out on the Council's Summons.

His Worshipful the Mayor said Members had a choice whether to vote on whether they wished to debate the Motion that evening or to refer it to the Cabinet.

It was moved and seconded that the Motion be referred to Cabinet.

The Deputy Leader confirmed that he would ensure that the Motion was included within the agenda for the November Cabinet meeting.

Resolved:

That the Motion stands referred to the Cabinet.

192 Questions by Members of which Notice had been Given

(a) Question from Councillor Chilton to Councillor Heyes, Portfolio Holder for Transportation, Highways and Engineering

"Following the tragic incident on Somerset Road which resulted in the death of a well known and popular resident of Ashford, what measures can this Council take to improve road safety, particularly in the urban area?"

Reply by Councillor Heyes

"Thank you Councillor Chilton for your question. Mr Mayor, firstly I'd like to say that I am sure that all our thoughts are with Danyl Ponsford's family and friends at this most difficult time. I am sure that all colleagues will appreciate and everyone here this evening should refrain from any comments on this sad and tragic occurrence which at this time is the subject of ongoing enquiries by the Police. As you all know highway safety and the enforcement of restrictions pertaining to moving traffic are within the primary control of KCC and the Kent Police with whom the Borough Council works very closely. You can be assured that I will be taking the advice of those key agencies so we can work together to improve road safety which is a matter of significant importance to us all. I will also seek colleagues' support, in the appropriate forum for the introduction of any measures deemed necessary to improve road safety that had been identified by Kent Police and KCC.

Supplementary Question by Councillor Chilton

Note: Not verbatim, tape machine not functioning.

Councillor Chilton thanked Councillor Heyes for his reply and said that he also considered that congratulations should be given to those responsible for organising the petition seeking improvements to road safety highlighted by this incident.

Reply by Councillor Heyes

Councillor Heyes said he had no further comments to make on this question.

(b) Question from Councillor Chilton to Councillor Robey, Portfolio Holder for Planning and Development

“The Core Strategy Review should consider the use of open spaces, play areas and green spaces already existing in the urban area. Will the Portfolio Holder come forward with proposals in that review to ensure the protection of those mentioned places against development?”

Reply by Councillor Robey

“I agree that it is important to consider the role and importance of local green spaces, particularly where such spaces are at a premium or they contribute to the distinctive character of an area, irrespective of whether those spaces are publicly or privately owned. The new Local Plan will ensure that the most important green spaces are safeguarded from development, whilst also looking at opportunities to both create new open spaces and improve existing ones in order to provide a better environment for all our residents”

Supplementary Question by Councilor Wedgbury

Note: Not verbatim, tape machine not working.

Is the Portfolio Holder aware that village green legislation is currently available to preserve open spaces and indeed I have worked to achieve Village Green status for areas of Park Farm and Kingsnorth.

Reply by Councillor Robey

Note: Not verbatim – tape machine not working

I am aware of the village green legislation but that can only be used in specific circumstances where it can be demonstrated that land had been used in that way.

(KRF/AEH)

MINS:CXXX1342

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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)

MINS:CAXX1345

Queries concerning these Minutes? Please contact Keith Fearon:
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