

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15th January 2015**

Present:

Cllr. Clarkson (Chairman);

Cllr. Claughton (Vice-Chairman);

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

Apologies:

Cllrs. Britcher, Miss Martin, Mrs Martin

Also Present:

Cllrs. Bell, Bennett, Buchanan, Burgess, Davison, Michael, Mortimer, Sims, Smith, Wedgbury, Yeo.

Chief Executive, Deputy Chief Executive, Head of Legal and Democratic Services, Head of Culture and Environment, Head of Communities and Housing, Head of Finance, Head of Environmental and Customer Service, Revenues and Benefits Manager, Environmental and Contracts Operations Manager, Communications Officer, Member Services and Scrutiny Manager.

309 Urgency Provision

The Chairman advised that in accordance with Section 100B (4) (b) of the Local Government Act 1972 he had accepted the late inclusion of an item entitled "Public Realm Dover Place and International House" as a matter of urgency by reason of special circumstances namely that the Chief Executive had exercised his Urgency Delegation to underwrite a sum of £250,000 for materials to be used at Dover Place and International House Public Realm should the Stopping Up Order process be challenged within six weeks. The use of the delegation was required to be reported to the next available Cabinet meeting.

310 Minutes

Resolved:

That the Minutes of the meeting of the Cabinet held on the 4th December 2014 be approved and confirmed as a correct record.

311 Leader's Announcements

The Leader advised that Councillor Clokie was making a steady recovery after surgery and said that he was sure that all would wish him well.

312 Preliminary Budget Update – Government Grant Announcements and Business Rate Forecast

The report provided an update on the Government announcements which had been made since the Draft Budget had been prepared and set out how they affected it. It was noted that the Draft Budget had assumed a grant figure of £2,078,990 with the provisional settlement figure of £2,106,834 (including the £69,406 Council Tax freeze 2015-16 grant) and so was £27,844 more than expected.

The Portfolio Holder said that he was pleased to report that the overall grant was slightly more than expected and said that in terms of the pooling of Business Rates, this would offer considerable savings to the Authority.

In response to a question as to whether there was a risk in taking into account funding made available from the New Homes Bonus, the Portfolio Holder said that this had been discussed during the budget scrutiny process but explained that the risk was considered to be limited and that it was not intended that the Budget would be dependent on the receipt of such funds.

The Chairman confirmed that in terms of New Homes Bonus this was not allocated or taken into account until the funding had been received. He also suggested a slight amendment to the second recommendation to grant the delegation to the Deputy Chief Executive in consultation with the Portfolio Holder.

Resolved:

- That (i) the grant announcement be noted.**
- (ii) the approval of the Council's Business Rates estimate for submission to Government be delegated to the Deputy Chief Executive in consultation with the Portfolio Holder for Finance and Budget and Resource Management.**

313 Tenants and Leaseholders Alterations and Improvement Policy

The report sought the endorsement of the Tenants and Leaseholders Alterations and Improvement Policy which was attached as an Appendix to the report. Tabled at the meeting was a revised version of the Policy shown both with and without track changes.

The Portfolio Holder drew attention to the tabled papers and explained that the policy would allow a consistent approach to be taken in terms of considering requests from

tenants for alterations or improvements. She explained that the version included within the Agenda had not been considered by the Planning Unit, however, the tabled paper version now incorporated their comments. The policy also set out clear links to appropriate websites where help could be found.

In response to a question the Portfolio Holder said that if any alterations led to possible changes in the rateable value of the property then these would have to be considered by the Valuation Tribunal.

Resolved:

- That (i) the implementation of the Tenants and Leaseholders Alterations and Improvement Policy as set out within the tabled papers be approved.**
- (ii) charges be recovered where appropriate where alterations or improvements had not been authorised, or damage had been caused to the Council's assets.**

314 The EU Waste Framework Directive

The report provided an update on the briefing which had previously been given to the Cabinet on 13th November 2014 and advised that taking all elements and evidence into account, the Council could reasonably take a view that it complied with the Waste Regulations for the reasons set out within the report.

Work to date had raised some useful action points for ABC Officers to undertake in partnership with its Mid Kent neighbour Councils and Kent County Council. Paragraph 10 detailed six actions which would be taken forward.

The Portfolio Holder explained that the principal aim behind the Regulations was to ensure that material sent for recycling was sent to be re-processed into products of a similar nature, the so called 'closed loop' quality assessment. She explained that all Districts in Kent were dependent on the Kent County Council who set up the contracts with the recyclers.

Resolved:

- That (i) the report be endorsed.**
- (ii) delegated authority be granted to the Head of Environmental and Customer Service and the Head of Legal and Democratic Services to send any submission to the Environment Agency when required.**
- (iii) the proposed actions set out in the report at Paragraph 10, items (a) to (f) inclusive, be approved as a positive response to the EU Waste Framework Directive.**

315 Revenues and Benefits Recommended Write-Offs Schedule

The report proposed the formal write-off of 452 debts totalling £289,608.38. The proposals were in line with the Council's Revenues and Benefits service Write-Off Policy. The existing bad debt provisions already more than covered the sums involved.

The Portfolio Holder said that the report presented neither a better or worse position than previous reports and he commented that the Borough still collected 98% of its Council Tax and non-domestic rates.

In response to a question, the Portfolio Holder said that he was not aware there were any discernible trends identified by the various proposed write-offs within the report although the Revenues and Benefits Manager said that issues of company and personal bankruptcy had been the main trend from 2008 but those figures now appeared to be reducing.

In response to a further question, the Chairman explained that the Fraud Team undertook thorough investigations where fraud was suspected. The Revenues and Benefits Manager also explained that tracing agents were employed if the efforts of the fraud team were unsuccessful in terms of finding debtors who had absconded.

A Member referred to several of the debts and considered that they should have been addressed earlier in the process.

The Portfolio Holder said that the Borough Council had Welfare Officers who took a more proactive approach in terms of monitoring debts and said that the Council was also working with Job Centre Plus. The Chairman suggested that the Member who had raised the question meet with the Revenue and Benefits Manager outside of the meeting who could provide full details of the processes the Council had in place in terms of debt recovery.

Resolved:

- That (i) accounts totalling £70,028.55 that had been written off under delegated powers (Financial Regulations 11.1) be noted.**
- (ii) the write-offs listed in the Exempt Appendices to the report totalling £219,579.83 be approved.**

316 Public Realm at Dover Place and International House

This report had been accepted on to the Agenda by the Chairman as a matter of urgency.

The report provided an update on the use of the Chief Executive of his urgency delegation to underwrite £250,000 for materials for the public realm works at Dover Place and International House. The materials were granite paving, granite benches

and street lighting columns which formed part of the construction works to be carried out by the HCA for the public realm works. Although the Stopping Up Order had been confirmed by the Department of Transport, the Order was still subject to a six week challenge period that commenced on the 7th January 2015.

Resolved:

That it be noted that the Chief Executive had exercised his “Urgent Matters” powers in accordance with the Council’s Constitution to underwrite a sum of £250,000 for materials to be used at Dover Place and International House public realm should the Stopping Up Order process be successfully challenged within six weeks of the Order being made.

317 Joint Transportation Board – 9th December 2014

Resolved:

That the Minutes of the meeting of the Joint Transportation Board held on the 9th December 2014 be received and noted.

318 Planning Task Group – 10th December 2014

Resolved:

That the notes of the meeting of the Planning Task Group held on the 10th December 2014 be approved and adopted.

319 Schedule of Key Decisions to be taken

Resolved:

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

(KRF/AEH)

MINS:CAXX1503

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **11th February 2015**.

Present:

Cllr. Clarkson (Chairman);

Cllr. Cloughton (Vice-Chairman);

Cllrs. Galpin, Heyes, Hicks, Howard, Robey, Shorter.

Apologies:

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Burgess, Chilton.

Also Present:

Cllrs. Britcher, Buchanan, Davison, Link, Miss Martin, Mrs Martin, Michael, Sims, Smith.

Chief Executive, Deputy Chief Executive, Head of Legal and Democratic Services, Head of Planning and Development, Head of Culture and Environment, Head of Finance, Head of Health, Parking and Community Safety, Principal Accountant, Principal Solicitor for Property and Projects, Policy and Performance Officer, Senior Communications Officer, Member Services and Scrutiny Manager.

340 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 15th January 2015 be approved and confirmed as a correct record.

341 Leader's Announcements

The Leader welcomed Jamie Rose, who was the Chief Reporter for the Ashford Herald, to the meeting.

342 O&S Recommendations to Cabinet in respect of Neighbourhood Plans and Task Groups

The report advised that at its meeting on the 16th December 2014 the Overview and Scrutiny Committee discussed a number of issues which resulted in them making two recommendations to Cabinet. The Committee had suggested that the Parish

Forum receive an update and presentation on the development of Neighbourhood Plans and also that the uses and efficiency of Task Groups be reviewed.

The Chairman said that he supported the recommendation of the Overview and Scrutiny Committee in terms of a presentation being made on Neighbourhood Planning to the Parish Forum but, however, said that due to existing commitments in terms of preparation for the Elections in May, the presentation would have to take place at a Parish Forum later in the year. In terms of the request to review Task Groups, he said he supported this recommendation as he understood that there were currently in excess of 20 Task Groups. He said he intended to consult with the Head of Legal and Democratic Services over the Constitution and its reference to Task Groups.

Resolved:

- That (i) the Parish Forum receive an update and presentation on the development of Neighbourhood Plans at a meeting to be arranged following the Elections in May 2015.**
- (ii) the uses and efficiency of Task Groups be reviewed.**

343 Appropriation of Garages from the Housing Revenue Account to the General Fund

The report sought agreement for the appropriation of the HRA garages (excluding those already earmarked for development), with a net book value of around £3m to the General Fund as at 1st April 2015.

The Portfolio Holder said that she would like to highlight that this report made no reference to parking issues as some Councillors had mistakenly understood at a previous meeting. The Portfolio Holder explained that the Council currently had 1,693 garages of which 22% were rented by Council house tenants. By transferring some of them to the General Fund the HRA would lose income but the Budget would still be viable. The initiative would, however, give the HRA about £3m which would be most welcome as all housing projects seemed to increase in costs due to increases in the cost of the building trade. Garage sites which could be redeveloped for new housing would be retained by the HRA. The Portfolio Holder further explained that the HRA would continue to manage the garages but tenants would still have the same landlord but the income from the rents would be directed to the General Fund instead of the HRA. Repairs and extra maintenance would take place and the improved garages would be re-let at a commercial rent. The Portfolio Holder believed that the report highlighted the commercial attitude being taken by the Borough Council in ensuring that the Council had a strong secure financial base. The Memorandum of Understanding at Appendix A to the report made it clear that there would be no financial detriment to either tenants or Council Tax payers.

The Chairman said he wished to thank the Head of Finance and other Officers for bringing this initiative forward. The Portfolio Holder for Finance, Budget and

Resource Management believed that this initiative was beneficial to the Council as it would enhance revenue income.

The Portfolio Holder for Transportation Highways and Engineering said that whilst supporting the initiative he said he did have concerns that if sites were sold off for affordable housing, this could cause problems for parking.

A Member asked whether the risks had been assessed in terms of whether this initiative would create more voids. In response, the Portfolio Holder said that all steps would be taken to ensure that the garages were let and she further advised that if there was a need to improve the garages or make alterations to allow them to accommodate larger size vehicles, then this could be looked at as well.

In terms of a comment about the parking situation at Repton Manor, the Chairman indicated that he would discuss this with the Head of Planning and Development in due course. The Chairman also commented that the separate issue of enhancing the Budget for disabled adaptations, needed to be examined.

Resolved:

- That (i) the appropriation of the HRA garages (excluding those already earmarked for development) be agreed with a net book value of around £3m, to the General Fund, as at 1st April 2015 and the Head of Communities and Housing be granted delegated authority to prepare the necessary plans and schedules to identify the assets that are being transferred.**
- (ii) Delegated Authority be given to the Head of Community and Housing and Head of Finance for the transfer back to the HRA sites approved by Cabinet for development.**

Recommended:

- That (i) the proposal for a five year rent policy to bring garage rents in line with the market be agreed.**
- (ii) the Memorandum of Understanding as detailed in Appendix A to the report be approved.**

344 Bridging Funding to West Kent and Ashford College for the Ashford International College Campus

The report asked the Cabinet to recommend that the Council provides bridging funding to West Kent and Ashford College for the sum of up to £2m to enable the college to secure external funding which would see the commencement of the development of the Elwick Road site. This would be repayable to the Council upon the sale of the Jemmett Road site.

The Chairman explained that the loan would be secured by the Council having the first charge against the Jemmett Road site in terms of its redevelopment and that interest would be payable. He said that he understood that within the next eight weeks the demolition of the existing buildings would commence and he said he was very excited about this project which was fundamental to Ashford, in particular to cater for the number of students who travelled outside of the Borough to attend further education courses.

The Portfolio Holder said that the educational aspects of the project were key and vital to the development of the town, and he considered that the location was particularly important being opposite the International Station. In terms of the curriculum, the Chairman explained that he understood that this would be a mixture and include hi-tech and engineering. In response to a question, the Chairman said that the development would be phased and the external appearance would change but the building would still have the symmetry associated with the original planning permission. The Head of Planning and Development further explained that one storey had been removed from the existing scheme and that the modifications to the existing scheme would be reported to the Planning Committee shortly.

Recommended:

- That (i) **Bridging Finance be provided to West Kent and Ashford College in the sum of £2m to be used for the sole purpose of the development of the Ashford International College Campus on Elwick Road.**
- (ii) **Delegated Authority be granted to the Portfolio Holders, Chief Executive and Chief Financial Officer to review the due diligence, negotiate and agree final terms with the College to provide Bridging Funding.**
- (iii) **the Head of Legal & Democratic Services be granted Delegated Authority in consultation with the Head of Finance to execute and complete all necessary documentation to give effect to recommendations (i) and (ii) above.**

345 Legal & Democratic Services – Removal of Property and Community Projects Solicitor Post 1005

The report recommended implementation of part of the Legal Services savings target by deletion of the Property and Community Projects Solicitor Post and the redundancy of the post holder.

The Portfolio Holder for Town Centre Focus and Commercial Property explained that the Joint Consultative Committee had been consulted and were content with the proposal.

Resolved:

That the deletion of the post of Property and Community Projects Solicitor and redundancy of the post holder be noted.

Recommended:

That the pension costs of £2,100 resulting from early release of the pension on redundancy be approved.

346 Budget Monitoring Report – Quarter 3 2014/15

The report presented the Third Budget Monitoring Report for the current year based on the year from April to the end of December 2014. The report showed an overall outturn of £123,000 below target for the General Fund which was a favourable movement of £126,000 from the last quarter. The Housing Revenue Account was reporting to come in over budget with a pressure of £152,000, an adverse movement from the last quarter of £149,000.

The Portfolio Holder explained that the Budget was £126,000 in surplus after taking into account the service pressure of £443,000 associated with the loss of rental income for the Civic Centre and the Street Cleansing Contract. He explained that these two items had been taken into account in the preparation of the Budget for the following year.

The Portfolio Holder for Community, Wellbeing and Education referred to Paragraph 29 of the report regarding T-CAT and said that he believed that since they had been established they had undertaken a lot of good work within the Borough.

Resolved:

- That**
- (i) the Budget Monitoring position as at 31st December 2014 be noted.**
 - (ii) one year funding for a temporary T-CAT post costing £25,000, including the carry forward of the budget details in paragraphs 27-30 of the report, be approved.**
 - (iii) the New Homes Bonus Schedule (NHB) set out in Appendix A to the report be noted.**
 - (iv) the Treasury Management Portfolio set out in Appendix B to the report be noted.**

347 Overview and Scrutiny Committee Report of the Budget Scrutiny Task Group on the 2015/16 Budget Scrutiny

The report presented the findings of the Budget Scrutiny Task Group from its scrutiny of the Council's Draft Budget for 2015/16. The Overview and Scrutiny Committee had recently debated the report and was satisfied that the budget was

achievable. The Committee had put forward two recommendations for the Cabinet to consider.

The Chairman advised that he had received a note from the Chairman of the Overview and Scrutiny Committee advising that he had no further comments to make on the report.

The Portfolio Holder said that he had attended all of the Scrutiny Task Group meetings and drew attention to three of the risks which had been identified. He said that all of the risks associated with these issues were being managed.

Resolved:

- That (i) it be noted that the Overview and Scrutiny Committee regards the Council's Draft 2015/16 Budget as achievable.**
- (ii) the Risk Matrix and the risks identified within, especially those that fell within the shaded part of the Matrix, be endorsed.**

348 Budget 2015/16

The report presented the final recommended Draft Budget which would be considered by Full Council on the 19th February 2015. The Budget supported the final year of the Council's Business Plan and reflected the changes to services and cost savings measures that had been agreed in 2010/11.

Tabled at the meeting were revisions to the Discretionary Fees (Appendix F of the report) in respect of licensing charges.

The Portfolio Holder said he wished to highlight the key points of the report and said that the Council was now in the final year of its current Business Plan which had been managed in the light of reductions in Local Government Funding. He explained that the funds allocated under the New Homes Bonus Scheme had been carefully managed and an element of this funding was currently being retained. For the second year running, Council Tax would be frozen and he said that it was the lowest in the County. In terms of the proposed expenditure of £250,000 for the Community Management Organisation for Chilmington, he said that he believed this would be a good investment for the future. The Portfolio Holder then explained that the proposed rise in Council house rents would be 2.2% in line with Government guidance and said that it was proposed that the Key Decision Threshold for expenditure Management Team could approve would rise from £50,000 to £100,000. In conclusion he said that the Business Rates Pooling Initiative would benefit the Council by a figure of in the region of £200,000.

The Chairman referred to paragraph 150 of the report which included an extract from the Annual Audit Letter 2013/2014 and he read the summary comments made by Grant Thornton UK. He believed that the Auditors' comments were very positive.

The Portfolio Holder for Town Centre Focus and Commercial Property referred to recommendation (xi) which dealt with the advice from the Chief Financial Officer

concerning the robustness of the estimates and the adequacy of reserves and he explained that the Council's reserves were in a sound position. In terms of the Community Management Organisation for Chilmington he said that the proposed funding at this stage would alleviate significant additional expenditure in the future.

In terms of the proposed housing rent increase, the Portfolio Holder for Community, Wellbeing and Education said that help and support from Officers would be available to assist residents who got into difficulty stemming from the effect of Welfare Reform.

The Vice-Chairman of the Overview and Scrutiny Committee said he wished to thank Officers for their work on the Budget, but he drew particular attention to the fact that the budget scrutiny process was undertaken by a cross-party Task Group. The Portfolio Holder said that he believed the Task Group had undertaken their duty in a rigorous way and that comments on the process had been received from representatives of all political parties. In conclusion, he said he also wished to thank all the Officers who had been involved in the process.

Resolved:

- That**
- (i) the Budget context and MTFP position be noted.**
 - (ii) the final Business Rate Yield Forecast be noted.**
 - (iii) the advice on New Homes Bonus be noted and the proposed additional allocations as outlined in Appendix B to the report be agreed.**
 - (iv) It was noted that the Council Tax Support Scheme adopted is as reported to the Cabinet in December 2014.**
 - (v) Delegated Authority be given to the Deputy Chief Executive in terms of powers to establish local discounts in Business Rates in accordance with those announced by the Chancellor in the Autumn Statement.**
 - (vi) the Reserves Summary (paragraph 63 – Table 6 of the report refers) be noted and the allocation of £250,000 of reserves for the set up costs of the Chilmington Community Management Organisation (paragraph 65 refers) be agreed.**
 - (vii) the Communities Impact Assessment be noted.**
 - (viii) the Housing Revenue Account Budget for 2015/16 be approved.**
 - (ix) the estimated average rent increase be 2.2% in accordance with Government guidelines and that the rent setting for the future continues to follow movements in the “limit rent” set by the Government.**

- (x) the spend in Appendix J of the report be noted. (The actual spend is approved in Appendix I).
- (xi) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves be noted.

Recommended:

- That
- (i) the Revenue Budget 2015/16 including the net budget requirement of £13,733,570 (excluding Parish Precepts) be approved.
 - (ii) the level of discretionary fees to be levied as from the 1st April 2015 (as set out in Appendix F to the report) be approved, subject to the changes set out in the Tabled Papers.
 - (iii) Band D Council Tax be set at £145.45.
 - (iv) the Health, Parking and Community Safety Managers, in conjunction with the Head of Finance be granted Delegated Authority to set commercially competitive fees for Lifeline and CCTV contracts.
 - (v) the provisions of the current Members' IT Scheme be suspended until such time as the Cabinet has considered the outcome of the review of the IT Scheme.
 - (vi) an increase of 2.7% for garage rents be approved.
 - (vii) the Capital Budget for 2015/16 (as set out in Appendix I to the report) be approved.
 - (viii) the Prudential Indicators, Treasury Management Strategy, MRP Policy and Annual Strategy as set out in Appendices K and L of the report be approved.
 - (ix) the Key Decision thresholds be approved.
 - (x) Management Team's flexibility to deploy reserves be increased to £100,000.
 - (xi) the Risk Based Verification Policy as outlined in Appendix M to the report be approved.

349 Ashford Borough Council's Performance – Quarter 3 2014/15

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 said that he believed that the most significant figures set out within the report were the fact that unemployment had dropped below 1,000 for the first time since 2007. The Chairman considered that the second sentence of the summary should be amended to state "this includes information on what the Authority, Officers and Members have achieved through its decision-making key performance data...."

Resolved:

- That**
- (i) the performance for Quarter 3 of 2014/15 be noted.**
 - (ii) future report summaries contain the amended wording set out in the preamble.**

350 Climate Change and Sustainable Environment – Annual Progress Review

The report was the second annual review which summarised actions and initiatives undertaken throughout the Authority during the last year in the complementary areas of sustainable environment, carbon and energy reduction and responding to the threat of climate change.

Resolved:

That progress over the last year across the Authority in achieving the aims and objectives of the Position Statement on Climate Change and Sustainable Environment be noted.

351 Ashford Cemetery Rules and Regulations and Public Health Act Funerals Policy

The report advised that during the course of the previous year the Cemetery Service had been completely reviewed and a number of changes had taken place to ensure compliance with legislation. The report outlined changes to the Cemetery Rules and Regulations which formed part of the legal agreement with purchasers when acquiring grave provision.

The Head of Culture and Environment explained that in addition to the changes in statutory requirements in terms of cemeteries, the report also included information on the favourable Audit report. In response to a question as to whether the changes would affect any particular sections of the community, the Head of Culture and Environment said that organisations representing the different faiths in the Borough had been consulted.

The Chairman said that in the post-Election period he would like to consider ways by which the Council could help those elderly members of the community who passed

away without friends or family and the Council was responsible for undertaking their funeral arrangements.

Resolved:

That (i) the Cemetery Rules and Regulations be approved.

(ii) the Public Health Act Funerals Policy be approved.

352 Transportation, Highways and Engineering Advisory Committee – 16th January 2015

Resolved:

That the Minutes of the Meeting of the Transportation, Highways and Engineering Advisory Committee held on the 16th January 2015 be received and noted.

353 Property Acquisition, Investment and Disposal Panel – 27th January 2015

Resolved:

That the Notes of the Meeting of the Property Acquisition, Investment and Disposal Panel held on the 27th January 2015 be received and noted.

354 Ashford Strategic Delivery Board – 23rd January 2015

The Chairman referred to Item No. 2 of the notes regarding the International Station and said that further to the Delivery Board meeting the Government had announced via the LEP that £2 million would be available to support the new signalling works at Ashford International Passenger Station. He anticipated that a further £2 million of funding would be sought from the European Union. In response to a comment he also explained that the issue of additional trains serving Brussels was being looked at.

Resolved:

That the Notes of the Meeting of the Ashford Strategic Delivery Board held on the 23rd January 2015 be received and noted.

355 Schedule of Key Decisions to be taken

Resolved:

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

(KRF/VS/AEH)

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