

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **21st April 2016**.

Present:

Her Worshipful the Mayor, Cllr. Mrs G A Dyer (Chairman);

Cllrs. Apps, Barrett, Bartlett, Mrs Bell, Bell, Bennett, Bradford, Britcher, Buchanan, Burgess, Chilton, Clarkson, Clokie, Dehnel, Feacey, Galpin, Heyes, Mrs Heyes, Hicks, A Howard, W Howard, Koowaree, Krause, Link, Miss Martin, Mrs Martin, Michael, Shorter, Sims, Smith, Waters, Mrs Webb, Wedgbury, White.

Also Present:

Chief Executive, Deputy Chief Executive, Director of Law & Governance, Director of Development, Head of Finance, Head of Environmental & Customer Services, Head of Health, Parking & Community Safety, Principal Solicitor – Strategic Development, Senior Commercial Development Manager, Senior Environmental Health Officer, Senior Member Services and Scrutiny Support Officer.

Prior to the commencement of the meeting: -

- (i) The Reverend Catherine Wilson said prayers.
- (ii) Her Worshipful the Mayor asked Members to remain standing in silence in respect of the late Barry Forsyth Wright who was the Member for the Tenterden St Michaels Ward between 1995 and 1999 and the late Mrs Susan Heaton who was Member for the Highfield (Ashford) Ward between 2007 and 2011.

Apologies:

Cllrs. Adby, Mrs Blanford, Farrell, Knowles, Ovenden, Pickering, Powell.

394 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. The Director of Law & Governance advised that there were some exempt appendices to the report on Elwick Place that went to the Cabinet on 14th April 2016 and also some exempt tabled papers for this meeting in respect of Minutes on the same issue. There would be a need to pass the resolution to exclude the press and public if Members wanted to discuss exempt information.

395 Declarations of Interest

Councillor	Interest	Minute No.
Chilton	Made a 'Voluntary Announcement' as a Trustee of the Ashford Volunteer Centre.	403, 405, 407

Feacey	Made a 'Voluntary Announcement' as Chairman of the Ashford Volunteer Centre.	403, 405, 407
Sims	Made a 'Voluntary Announcement' as a Trustee of the Ashford Volunteer Centre.	403, 405, 407

396 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 18th February 2016 be approved and confirmed as a correct record.

397 Announcements

(a) Queen's Birthday

The Mayor advised that today marked the Queen's actual birthday and she was turning 90. She proposed that she send a card on behalf of the Council for her 'official' birthday on the 11th June.

(b) Fundraising Day

The Mayor advised that on the 16th May she would be hosting a fundraising day, beginning at Chapel Down for a tour and wine tasting, followed by a two course lunch at London Beach Golf Club and then in the afternoon a tour of the unique Stevenson Brothers Rocking Horse manufacturing emporium. She said it would be her last fundraising event and it would be great if some of the Councillors were able to attend. More details could be obtained by contacting her PA, Andrea Collard.

(c) Leader of the Council

The Leader said that there were a few recent and current developments he would like to bring to colleagues' attention.

As colleagues had already heard, today was Her Majesty the Queen's actual 90th Birthday and he was sure that colleagues would join him in wishing Her Majesty many happy returns. They had been blessed with a Monarch who, over a very long period of reign, had been an outstanding example to all. Many of the Borough's villages were tonight lighting beacons as a gesture of their respect and celebration of that long reign. Many Members had used their Grants to assist in the various activities going on to mark this milestone in both rural and urban areas.

The Council had supported Keep Britain Tidy in its 'Clean for the Queen' campaign, with litter picking events taking place at Singleton Lakes, Victoria Park and Bowens Field. A staff litter picking event on North Park and Queen Mother Park was planned for June and all Parish Councils had been offered support with their own litter picking events, with the Council's contractor Biffa offering to bear the cost of removing all the litter collected. There would also be a short programme of concerts at the Ashford Town Centre bandstand. The concerts had been organised in partnership with Revelation St Mary's and would take place on Saturday 14th May followed by a final concert on Saturday June 11th, the Queen's official birthday and the Day of the Trooping of the Colour. Both concerts would take place between 11am and 2pm and

he hoped colleagues would be able to attend these events. The Council were continuing to look at how, in May or early June, it may add to these events to further mark this amazing milestone and he said he would share details with colleagues in due course.

The Leader advised that Ashford could become the model railway centre of the country after the Council approved plans to create the Ashford International Model Railway Education Centre on the historic Klondyke railway works site. The model railway centre was expected to become a very popular visitor attraction and act as a boost to Kent's tourism economy. Whilst the Planning Committee was pleased to approve this exciting attraction and many of the visitors would come by train, the Council was getting on with vital road improvements and improving off road parking provision. Ashford had a long and proud railway heritage and this centre would showcase this history to visitors through displaying railway models and other exhibits from the past, present and the future.

Ashford's growth and innovation had been highlighted this month with two full double page spreads in Kent's leading business publications, *Kent Business* and the Kent Invicta Chamber magazine called *Thinking Business*. The media coverage followed on the heels of the government praising Ashford's approach to affordable housing and highlighted the Big 8 projects that were attracting investment and providing opportunities for businesses who wanted to operate in the Borough. UK chief executive Richard Wise of Regus, the global shared-office company who had opened a new location at the Panorama building, was quoted in *Kent Business* as saying "*We always look at what local government wants to do and were impressed with what Ashford Borough Council was able to articulate about its vision for the town for the future.*" *Thinking Business* honed in on the £8 million Axiom Scheme bringing seven industrial units and warehouses ready for occupation soon at Orbital Park. It also detailed the hard work the Council had put into supporting independent traders and start-up companies at Park Mall shopping centre as part of its regeneration plans.

Another boost for the town could come in the form of leading property regeneration company U+I, who were looking to bring forward proposals for £180 million of investment close to the town centre, near to Victoria Park. The two new schemes across 14 acres along Victoria Way would bring more homes and over 200 jobs to the Town Centre, subject of course to them meeting all Ashford's standards and securing the appropriate planning approvals. With U+I, Stanhope PLC, Kent Space, Regus, Recursive Media and many others recognising the attractiveness of Ashford as a place to invest and for businesses to thrive and prosper, Ashford's reputation as the number one business location in Kent was clearly continuing to grow as evidenced by the double page spread that Members had been provided with at the meeting.

Finally, as they moved towards the summer, the Leader said he looked forward to seeing an increased planting of flowers to brighten up the Borough. He considered in the summer the 'dalek' type planters looked delightful and he understood that this year they were going to be doubled in number.

398 Cabinet – 10th March 2016

The report of the Director of Law & Governance, which had been tabled, clarified the procedure for consideration of the Cabinet minutes.

(a) Cabinet – 10th March 2016

Resolved:

That (i) the Minutes of the Meeting of the Cabinet held on the 10th March 2016 be received and noted with the exception of Minute Nos. 364 and 368.

(ii) Minute Nos. 364 and 368 be approved and adopted.

(b) Cabinet 14th April 2016

Resolved:

That subject to the expiry of the period by which decisions arising from the Meeting of the Cabinet held on the 14th April 2016 may be called in, i.e. 27th April 2016: -

(i) the Minutes of the Meeting of the Cabinet held on the 14th April be received and noted with the exception of Minute Nos. 381, 384, 389 and 391.

(ii) Minute Nos. 381 and 384 be approved and adopted.

(iii) Minute Nos. 389 and 391 be deferred for consideration later in the meeting.

399 Appeals Committee – 15th February 2016

Resolved:

That the Minutes of the Meeting of the Appeals Committee held on the 15th February 2016 be received and noted.

400 Audit Committee – 15th March 2016

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 15th March 2016 be received and noted.

401 Electoral Review Ashford Borough – Draft Submission to Local Government Boundary Commission on Council Size

The Mayor drew the Council's attention to the tabled paper which set out an additional recommendation.

Resolved:

That the recommendations as set out in the report, and as amended by the additional recommendation set out in the tabled paper, be approved.

402 Committee of the Whole Council

The Leader proposed that “General Procedure Rule 12 (r) be applied and the meeting become a Committee of the Council.” This was seconded, put to the vote and carried.

Resolved:

That the meeting become a Committee of the Council in accordance with General Procedure Rule 12 (r).

403 Minute Nos. 389 and 391 – Elwick Place Development

The Mayor directed the Council’s attention to the tabled papers in respect of these Minutes, which included supporting comments from Councillors Adby, Knowles and Ovenden.

Councillor Bartlett said that he was grateful to Officers for the help they had given in resolving some of the issues he had raised. One of the main issues he had with this project was to do with the financial issues and as such he considered that the matters he wanted to refer to should be raised in exempt session and he would wait until that point in the meeting to raise them.

Councillor Shorter, Portfolio Holder for Finance, Budget & Resource Management, said that whilst the Portfolio Holder for Town Centres Focus & Business Dynamics would deal with the primary economic regeneration benefits, he wanted to reflect on the finance side of why the present Cabinet was recommending this proposal to Council. As long ago as 2011/12 it was envisaged by this Council that Central Government’s revenue grant to Local Councils would be significantly reduced as part of the austerity measures being introduced. From that time, along with a major efficiency and cost-saving exercise and a streamlining in service delivery, it was clear that further measures were necessary for the Council to continue to deliver services to the Borough at large that were expected by residents. During the development of the Medium Term Financial Planning process from 2012/13, the presumption was that the Government grant would reduce to zero by 2018/19. Recent governmental announcements had proven this judgement to be correct, despite the cessation of the grant actually now occurring in 2019/20. As such the Council agreed it should adopt a more entrepreneurial and commercial approach to securing the capability (money) to deliver services to the Borough’s residents. This had been a fundamental plank of the financial policy of this Council since that time and had routinely been reported as such. He said that the acquisition of International House, Wilko’s and Park Mall, as well as entering in to partnerships with developers to deliver new offices at the Commercial Quarter, were all manifestations of this commercial style of operation. However, to further return a revenue stream to the Council in line with the reducing grant, circa £750k per year every year, more opportunities had to be identified and delivered. Cabinet, supported by Officers, now put this scheme in front of Council with a recommendation that this would go a long way to providing additional revenue year on year, whilst also accelerating the delivery of a major project that would enhance the town centre, increase footfall and therefore provide local businesses with an opportunity to develop and grow. Significant detail of the structure, delivery and safeguards of this project were included within the exempt papers. The wider benefits not directly costed as part of

the paper would be an increase in business rate returns, a more vibrant town centre via increased footfall and a clear demonstration to external investors that Ashford was a modern, forward thinking town looking to grow its economy for the benefits of the Borough as a whole.

In terms of the proposal itself, Councillor Shorter said that many comments were circulating that details of the proposal were being kept quiet for any number of reasons. He said there was only one reason and that was that any commercial negotiations needed to remain confidential so that the maximum benefit could be gained by the relevant parties, without another organisation either benefiting or spoiling the deal. This commercial arena was the world that Ashford Borough Council now operated in and they had to adopt the industry's practices in such cases. To be clear, he advised that Ashford Borough Council owned the land to be developed. The proposal was that the developer would be providing the built facilities of a cinema, hotel, seven main eateries and a smaller food outlet and a car park. What was now on the table was an opportunity to fund the construction of the cinema complex in an advantageous way that would provide the Council with a financial return on the initial investment. This funding would be secured against the asset and financed within the normal treasury management systems for which the Council had existing and industry leading advisors. A final payment would be made to the developer, Stanhope, on completion of the build, including their profit, less an element of interest on payments already made. The development would then be owned by Ashford Borough Council. The Council would then receive the rental incomes from the tenants. Due diligence work was in hand. A number of industry experts including asset valuers, legal advisors, financial probity and treasury advisors had been commissioned to provide this due diligence and Officers had provided all Members on e-mail with the information available to date. He wanted to acknowledge the input of a number of Members who had particular knowledge in the sphere of finance, commerce and property development and all such issues raised by them had been responded to, other than one area awaiting the due diligence process to conclude. This was why the recommendation was *"subject to the final issues on due diligence being satisfactorily answered the Chief Executive, in conjunction with identified Portfolio Holders, be permitted to agree to this proposal"*. If further material risks were identified as part of the due diligence findings and not capable of reasonable mitigation, then a further report to Cabinet would be necessary. Councillor Shorter said he invited all Members to consider the papers before them and seek any reassurance they may require on the proposals so that the Council could agree, in an informed manner, to embark on this exciting opportunity for the Borough of Ashford.

Councillor Galpin said he was very reassured by the statement made by Councillor Shorter and he continued to be reassured as the due diligence progressed. He also wanted to touch upon the broader regeneration aspects and the necessity of this project. People who had lived in Ashford for some time would remember the 'false dawns' and phantom 'growth town' statements of the past and wince when reflecting upon that. He considered the Council owed it to the people and traders who lived and worked in and around Ashford to bring this to a conclusion and bring this spark of regeneration to the bottom of Bank Street and Elwick Place. County Square and Debenhams in particular had shown great patience and unwavering faith in some development ultimately coming through in this area and it was to their credit and Ashford's fortune that they had decided to stay. He said he was not sure for how much longer they would continue to do so if barriers were put in front of this particular project. He understood the concerns about property in Bank Street, but he

had been reliably told by one of the leading commercial local estate agents that property in Bank Street had become a premium product and people were queuing up to procure it. So this development was already having a catalytic effect and if it was taken away he considered Ashford would languish. A lot of work had gone in to making Ashford a better town and they needed to close the deal now on this particular project. He said it was important to do this and to do it promptly and bring it forward without further delay. This did not mean that proper due diligence should not take place, and this would be done as described, but he considered it would be important not to create additional barriers.

404 Exclusion of the Public

A member of the press lodged an objection to the public being excluded from the meeting at this point. The Director of Law & Governance read out to Members the statement of objection by one of the press representatives and advised Members that the press were correct to observe that the passing of a resolution to exclude the public on one of the statutory grounds (in this case paragraph 3 of Schedule 12A information relating to the financial or business affairs of a person including the Council) should only take place where Members were satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing it. The press objection had set out reasons why they considered the exemption should not be maintained and the Director of Law & Governance re-iterated the reasons why Officers had advised that the exemption should be maintained in the public interest.

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following items 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 paragraph 3 of Schedule 12A to the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

405 Minute Nos. 389 and 391 – Elwick Place Development

The Minutes of the Cabinet of 14th April 2016 made seven recommendations to Council. Approval of these recommendations had been deferred to allow for Members to consider and ask questions on the confidential appendices. Various Members made statements and asked questions on the exempt papers.

Recommended:

That the recommendations set out in Minute No. 391 of the Cabinet on 14th April 2016 be approved.

406 Meeting of the Council

The Leader of the Council proposed that “General Procedure Rule 12(s) be applied and the meeting of the Council be resumed”. This was seconded, put to the vote and carried.

Resolved:

That the meeting of the Council be resumed in accordance with General Procedure Rule 12 (s).

407 Minutes of the Committee of the Whole Council

The Leader of the Council proposed that “the recommendations of the Committee of the Whole Council as contained in Minute No. 405 be approved”. This was seconded.

In accordance with Procedure Rule 15.4 the Leader asked that a recorded vote be taken on the recommendations of the Committee of the Council.

This was supported by at least six other Members (i.e. a total of at least seven) who showed their support by standing.

A recorded vote was then taken on Minute No. 405 and the Members voted as follows: -

For: Councillors Apps, Barrett, Bartlett, Mrs Bell, Bell, Bennett, Bradford, Britcher, Buchanan, Burgess, Chilton, Clarkson, Clokie, Dehnel, Mrs Dyer, Feacey, Galpin, Heyes, Mrs Heyes, Hicks, A Howard, W Howard, Koowaree, Krause, Link, Miss Martin, Mrs Martin, Michael, Shorter, Sims, Waters, Mrs Webb, Wedgbury.

Votes For - 33

Against: Councillor Smith.

Votes Against - 1

Abstentions: Councillor White.

Abstentions - 1

Resolved:

That the recommendations of the Committee of the Whole Council as contained in Minute No. 405 be approved and adopted.

(DS)

MINS: