

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **12th January 2017**

Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Bradford, Clokie, Galpin, Knowles, Shorter.

Also Present:

Cllrs. Burgess, Hicks, Link, Miss Martin, Wedgbury.

Chief Executive, Deputy Chief Executive, Corporate Director (Law and Governance), Head of Finance, Environmental Contracts and Operations Manager, Environmental Protection and Licensing Team Leader, Health, Parking and Community Safety Manager (JF), Health, Parking and Community Safety Manager (JH), Civil Enforcement Officer Supervisor, National Management Graduate, Communications and Marketing Manager, Member Services Manager.

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Resolved:

That the Minutes of the meeting of the Cabinet held on the 8th December 2016 be approved and confirmed as a correct record.

256 A Targeted and Costed Forward Education and Promotion Strategy, including Forward Recycling Options and Targets

The report sought approval and funding for a new targeted recycling and waste education and communication plan.

The Portfolio Holder advised that a recent DEFRA report had identified Ashford as the best Authority in Kent in terms of recycling, however, she considered that there was still a need to improve. The Portfolio Holder drew attention to the proposed communication plan set out within paragraph 23 of the report and she said that she was grateful for the work undertaken by the National Management Graduate in terms of analysing the information and producing the report.

In response to a question as to how the expected improvements to recycling would be achieved, the National Management Graduate explained that the figures had

been produced after analysing the waste composition analysis together with the up to date information on content and material included within household waste. This had been considered in conjunction with the improvement figures achieved by other Authorities (with similar demographics) who had undertaken a similar exercise to the one being proposed in the report.

In response to a further question, the Environmental Contracts and Operations Manager confirmed that the use of social media was part of her service's communications plan and she explained that it was proposed to circulate leaflets to households as the Council did not have a database of individual properties' email addresses. The Communications and Marketing Manager also confirmed that the Borough Council's website already had a recycling video which could be viewed and his team regularly used social media to issue various Council messages. The Portfolio Holder for Finance, Budget and Resource Management said he also wished to congratulate the report author on the presentation of the report.

Resolved:

That the recommended communications and education plan for recycling as detailed within the report, as well as the associated funding, be approved.

257 Fixed Penalty Notices for Fly Tipping

The report explained the provisions for Fixed Penalty Notices for fly tipping which became available in 2016 and asked the Cabinet to agree to set a fine level for the Borough. The Portfolio Holder explained that it was proposed that the Fixed Penalty be set at £400 and said that it was encouraging that other Councils were also setting their fines at the same level.

Recommended:

- That**
- (i) the issue of Fixed Penalty Notices for small scale fly tipping offences contrary to Section 33 (1) (a) of the Environmental Protection Act 1990 be approved.**
 - (ii) the maximum Fixed Penalty be set at £400 without the ability to pay a reduced fee.**

258 Film Classification Policy and Procedure

The report advised of the Council's responsibilities in relation to the classification of films and set out an appropriate policy, procedure, guidance and fees. The Portfolio Holder advised that the Council did not currently have a policy and therefore it was prudent to put one in place. He also thanked the Environmental Protection and Licensing Team Leader for producing the document.

Recommended:

- That (i) the policy and procedure for dealing with the classification of films be approved.
- (ii) the guidance issued by the British Board of Film Classification be adopted to assist in the classification of films.
- (iii) the Council's scheme of delegation be amended in line with the proposed policy, including delegated responsibility for the classification of films to the Head of Service and to permit authorisation of other Officers as appropriate.
- (iv) the level of fee for the classification of films be £75, plus £1 per minute of the full length of the submitted work; this fee to be revised annually as part of the Council's normal fee setting process.

259 Sex Shops, Sex Cinemas and Sexual Entertainment Venue Policy

The report presented a revised Licensing Policy which had been prepared in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

Recommended:

- That (i) the revised "Sex Shops, Sex Cinemas and Sexual Entertainment Venue Policy" be approved.
- (ii) the Council's scheme of delegation be amended in line with the revised policy.

260 Parking Enforcement Review

The report reviewed the current level of Parking Enforcement required to ensure that the team could deliver enforcement in line with current restrictions and priorities including lorry parking, whilst working proactively to ensure the free flow of traffic across the Borough. The increase in resource recommended would allow for the continued delivery of the Council's schools education programmes and support across other Council services.

The Portfolio Holder advised that it was proposed that the number of Civil Enforcement Officers be increased from 8.5 FTE to 12.5 FTE plus other help and also the purchase of four electric bicycles. He explained that since 2000 the workload had increased considerably and the number of Traffic Regulation Orders produced had increased tenfold.

In response to a question, the Health, Parking and Community Safety Manager (JF) advised that all CEO's had hand-held devices which contained trackers and

therefore it was possible to identify the various locations visited by the Officers as part of their duties.

Resolved:

- That**
- (i) an increase in the number of Civil Enforcement Officers (CEO) from 8.5 FTE to 12.5 FTE be approved.**
 - (ii) a review be undertaken of the Civil Enforcement Officers' core working hours in order to ensure fit with current enforcement priorities.**
 - (iii) a further increase in support to the parking service by 1.5 FTE, namely 1 FTE Appeals and Representations Officer and 0.5 Business Administration Support Officer be approved.**
 - (iv) the purchase of four electric bicycles be approved.**

261 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)

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Decisions effective from the 22nd February 2017 unless they are called in or are recommended to the Council for approval

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **9th February 2017**.

Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Bradford, Clokie, Galpin, Knowles, Shorter.

Apologies:

Cllrs. Michael, Ovenden, Smith.

Also Present:

Cllrs. Bartlett, Buchanan, Burgess, Chilton, Heyes, Hicks, Link, Wedgbury.

Chief Executive, Deputy Chief Executive, Corporate Director (Law and Governance), Head of Finance, Head of Planning Policy and Economic Development, Cultural Projects Manager, Facility Development Manager, Corporate Scrutiny and Overview Officer, Domestic Abuse Co-ordinator, Accountancy Manager, Head of Housing, Head of Health, Parking and Community Safety, Health, Parking and Community Safety Manager (JH), Senior Policy Performance and Scrutiny Officer, Senior Communications Officer, Member Services Manager.

283 Declarations of Interest

| Councillor | Interest | Minute No. |
|------------|---|------------|
| Bartlett | Made a "Voluntary Announcement" as he lived near Junction 10 of the M20 and | 290 |
| | Made a "Voluntary Announcement" as he was a Governor on the East Kent Hospitals University NHS Trust; a member of the Kent Community Health NHS Foundation Trust and a member of the SECAMB NHS Foundation Trust. | 293 |
| Clarkson | Made a "Voluntary Announcement" as Chairman and Director of a Better Choice for Property Company. | 286 |

| Councillor | Interest | Minute No. |
|-------------------|---|-------------------|
| Wedgbury | Made a "Voluntary Announcement" as a member of Kingsnorth Parish Council. | 288 |

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Resolved:

That the Minutes of the meeting of the Cabinet held on the 12th January 2017 be approved and confirmed as a correct record.

285 Overview and Scrutiny Committee - Report of the Budget Scrutiny Task Group

The report presented the findings of the Budget Scrutiny Task Group following scrutiny of the Council's Draft Budget for 2017/18. The Overview and Scrutiny Committee had debated the report and was satisfied that the Budget was legal and achievable. The Committee had brought forward eight recommendations for the Cabinet to consider.

The Chairman of the Overview and Scrutiny Committee advised that the current year's Budget Scrutiny process had been very intense but he believed it had worked well. He advised that the key issue which had been raised during the process was the increasing pressure on staff and staff resources. He thanked Members of the Task Group and Officers who had supported the Task Group and he also thanked the Portfolio Holder for Finance, Budget and Resource Management who had attended all of the Task Group meetings.

The Portfolio Holder said that he would also wish to thank members of the Overview and Scrutiny Task Group and Officers for their support on the process undertaken this year.

Resolved:

- That**
- (i) it be noted that the Overview and Scrutiny Committee regards the Council's Draft 2017/18 Budget as legal and achievable.**
 - (ii) the Service Plans and Registers for each Service be endorsed.**
 - (iii) Services be requested to include staff resource as a separate and individual risk within the Risk Register for each Service.**
 - (iv) the consideration of staffing within the Strategic Risk Register be enhanced.**
 - (v) the PID process be endorsed as a compulsory first step for determining the viability of all new and proposed Council projects.**

- (vi) **an overview of progress made in delivering the Council's project programme be added as a regular item to the Cabinet and the Overview and Scrutiny Committees' agendas.**
- (vii) **the need for further consideration of cross service and strategic interdependencies to be taken forward by Management Team in liaison with the Overview and Scrutiny Committee be agreed.**
- (viii) **the existing apprenticeship and graduate schemes in place across the Council be continued and extended where these were possible.**

286 Budget 2017/18

The report presented the final Draft 2017/18 Budget which would be recommended to the Full Council for approval. The Budget supported the Corporate Plan's key themes reported to Council in October 2015.

The Portfolio Holder for Finance, Budget and Resource Management drew attention to the tabled paper which set out details of a response to the budget consultation exercise with the general public. The Portfolio Holder also drew attention to Table 1 in the report which showed that Ashford was still the lowest Council Tax in Kent and he also referred to the fact that in 2021/22 there would be a budget pressure due to the loss of formula grant and therefore there was a need for the Borough to continue with its investment policy.

The Chairman said that the Budget demonstrated the prudent management of the Council and whilst delivering the lowest Council Tax level in Kent, the Authority also strove to improve services. He referred to the Council's initiatives at Park Mall which was now virtually fully occupied and to a recent MORI survey which indicated that footfall in Ashford was up 1.6%. He also referred to work undertaken by Aspire in terms of grounds maintenance and landscaping work.

A Member referred to paragraph 88 of the report regarding the ratio of financing costs and said he had concerns about the overall level of debt the Council was accruing.

The Chairman confirmed that the Cabinet were content with the level of debt and advised that the borrowing was for the purpose of investing in property which increased in value. The Head of Finance advised that he was comfortable with the information set out within the report and explained that it was based on a forecast as decisions over future funding of projects had yet to be taken by the Cabinet.

Resolved:

- That**
- (i) **the Budget context and MTFP position be noted.**
 - (ii) **it be noted that the Council Tax Support Scheme adopted is as reported to Cabinet in December 2016.**

- (iii) the Chief Finance Officer be delegated powers to establish local discounts in Business Rates in accordance with Government policy.
- (iv) the reserve summary as set out in paragraphs 54 – 58 of the report – Table 6 (Appendix C refers) be noted.
- (v) the Equality Impact Assessment as set out in Appendix E to the report be noted.
- (vi) the Housing Revenue Account Budget for 2017/18 be approved.
- (vii) the estimated average rent decrease of 1% in accordance with Government guidelines be approved and that the rent setting for the future continues to follow movements in the “limit rent” set by the Government (paragraphs 67 – 70 of the report refer).

Recommended:

- That
- (i) the Revenue Budget 2017/18 including the net Budget requirement of £15,248,991 (excluding Parish Precepts) be approved.
 - (ii) the level of Discretionary Fees to be levied from 1st April 2017 (as set out in Appendix D to the report) be approved.
 - (iii) Band D Council Tax be set at £154.
 - (iv) the Capital Budget for 2017/18 (as set out in Appendix G to the report) be approved.
 - (v) the Prudential Indicators and MRP policy as set out in Appendix H to the report and the Treasury Management Strategy Statement at Appendix I to the report be approved.
 - (vi) the Accountancy Manager be appointed as the Deputy Section 151 Officer in addition to the Deputy Chief Executive.
 - (vii) the Risk Based Verification Policy as outlined in Appendix J to the report be approved.

287 An Independent Business Case to Examine the Feasibility of Establishing a New Single Council in East Kent

The report advised that in July 2016 the Cabinet had approved a Statement of Intent to explore a potential merger of the five East Kent District Councils. A Business Case was jointly commissioned to examine the advantages, disadvantages and feasibility of forming a single East Kent District Council. A full copy of the Business Case was appended to the report.

The Chairman advised that the Council had approached the potential merger with an open mind, however, it had become apparent that the rise in Council Tax for Ashford would be substantial and therefore it was more beneficial for the other four Authorities if Ashford decided not to proceed. The Chairman said, however, that this would not prohibit the Council working with the other Authorities if opportunities arose.

A Member said that he supported the recommendations in the report and commented that any rise in the Council Tax would be unacceptable. In his view the Council should work better with the Kent County Council. The Chairman advised that Ashford was the only District in Kent with a district deal with the Kent County Council.

Recommended:

- That
- (i) the potential implications of the Business Case, as measured against the Council's current financial position, and its long term vision to become more commercially minded and self-sufficient from Central Government funding be noted.**
 - (ii) based on the content of the Business Case, the Council does not pursue a merger with the other four East Kent District Councils.**
 - (iii) sufficient flexibility be retained to enable ABC to work with other authorities and partners throughout Kent and outside the County.**
 - (iv) the Chief Executive, in consultation with the Leader of the Council and Directors be authorised to agree a Memorandum of Understanding as a basis for Ashford's future working relationship with a new single Council.**

288 Kingsnorth Recreation Centre: Section 106 Expenditure

The report sought approval for the release of Section 106 Contributions from Park Farm South and East Developments to be used for the enhancement of Kingsnorth Recreation Centre as detailed in the plans attached to the report.

The Portfolio Holder for Culture, Leisure, Environment and Heritage said the initiative reflected one of the overall aims of the Borough Council to improve and support leisure facilities in the Borough. She explained that the scheme had been developed in conjunction with the Kingsnorth Parish Council and she advised that she understood that the Ward Member supported the proposal.

A Member (who was also the Ward Member) said that the current facility was starting to look a little dated and therefore the proposed scheme would help to improve it. There was also an option in the future for the Ashford Bowling Club to relocate next to the site. Another Member said he had concerns in terms of the effect of the Section 106 funds allocated to this project and the potential development of the proposed Bridgefield Park. He asked whether after taking this scheme into account together with the money already spent on the MUGA, would

there be sufficient funds to progress the park? He sought an assurance that this scheme would not affect the funding for the park.

The Portfolio Holder advised that the planning application for the proposed Bridgefield Park would be considered at the next Planning Committee and subject to planning approval, the scheme would then progress. The Chairman also advised that if there was indeed a shortfall in funding for Bridgefield, steps would be taken to identify funding to meet that shortfall.

Resolved:

- That
- (i) the release of Section 106 Contributions of £128,574.84 be approved, subject to indexation, for the enhancement of Kingsnorth Recreation Centre to Kingsnorth Parish Council subject to signing of a S106 Funding Agreement between the Council and the Parish Council.**
 - (ii) the Head of Culture and the Director of Law and Governance in consultation with the Portfolio Holder for Culture, Leisure, Environment and Heritage be authorised to take any further actions required to give effect to the recommendations.**
 - (iii) the approach by the Parish Council to support the development of the site be welcomed including the entrance park, as a leisure and community hub.**

289 Conningbrook Lakes Country Park – Water Quality

The report presented a case for introducing a range of measures to improve the quality of the water at Conningbrook Lakes Country Park to enable the ongoing establishment of the lake as a key water sport facility for the Borough.

The Portfolio Holder drew attention to the report and in particular to the steps identified by Laguna Science which would help improve the quality of the water at the Country Park.

Resolved:

- That
- (i) the introduction of a range of measures aimed at reducing the levels of active blue green algae and invasive aquatic weed in the lake be approved.**
 - (ii) forward funding of up to £150,000, to be drawn down on a phased approach over the next two years, be approved.**
 - (iii) the Head of Culture and the Head of Finance be delegated authority, in consultation with the Portfolio Holder for Culture, Leisure, Environment and Heritage to take any further actions required to deliver the recommendations.**

290 M20 Junction 10A – Allocation of Capital Spend

The report advised that in order to assist in the delivery of Highways England's proposal for the new M20 Junction 10A, the Department of Communities and Local Government had agreed to provide the Council with a fund of £16 million to spend in 2016/17 on capital projects subject to the Council agreeing to repay the money from developer contributions to the Homes and Communities Agency. The report asked the Cabinet to make such a recommendation to full Council.

The Portfolio Holder for Planning, Development and Enforcement explained the strategic importance of the provision of the Junction 10A scheme.

In response to a question from a Member, the Chairman advised that paragraph 8 of the report explained that the Funding Agreement with the HCA did not require the Council to underwrite any of the sum or place the Council at any financial risk in the event that the development did not come forward. The Head of Planning Policy and Economic Development said that the Agreement required that the amount be repaid by 2030 by developer contributions although it was considered that the sum would be repaid before that date. He confirmed that the developer contributions being used to fund the Junction were proportionate in relation to the overall level of contributions being sought from the various developments from which the funds were to be drawn down from.

Recommended:

That the £16m capital spend made available by the DCLG on the proposed scheme for M20 Junction 10A be approved.

291 Revenues and Benefits Recommended Write-Offs Schedule

The report proposed the formal write-off of 446 debts totalling £332,469.31. The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy and existing bad debt provisions already more than covered the sums involved.

The Portfolio Holder explained that if the Council became aware of the location of any of the persons identified as untraceable, the debts set out within the report would be pursued. He also advised that an issue associated with a housing benefit payment write-off had been raised with the relevant Government Minister.

Resolved:

- That**
- (i) accounts totalling £56,216.86 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 £276,252.45 be approved.**

292 Domestic Abuse Annual Report

The report highlighted the key achievements the Council and its partners had made on projects relating to domestic abuse over the past 12 months.

The Portfolio Holder for Highways, Wellbeing and Safety said he believed that the £50,000 of funding provided annually by the Council towards domestic abuse work had proved a success and he referred to the increasing referral rates to the One Stop Shop as evidence of confidence in the systems put in place.

The Committee also considered it would be appropriate to send a letter of thanks to the Chairman of the Ashford Domestic Abuse Forum thanking her and the Forum for their work on the issue.

In response to a suggestion from a Member as to whether the Borough Council should consider setting up refuge facilities for male victims of domestic abuse, the Chairman said that he was sure that Officers would look into this matter.

Resolved:

- That**
- (i) the work of the Independent Domestic Violence Advisers and Domestic Abuse Co-ordinator be noted.**
 - (ii) the work of partners in tackling domestic abuse be endorsed.**
 - (iii) the partnership approach in working with domestic abuse charities and neighbouring local authorities to apply for additional resources to tackle domestic abuse be supported.**
 - (iv) the continued funding for domestic abuse work in the Borough and the making permanent of the post of Domestic Abuse Co-ordinator be agreed.**
 - (v) the Chairman of the Ashford Domestic Abuse Forum be thanked for her work, and for the work of the Forum on domestic abuse.**

293 Transforming Health and Social Care in Kent and Medway

The report provided additional information to that provided by the CCG in the Kent and Medway Health and Social Care Sustainable Transformation Plan. Prior to the meeting a presentation had been given to Council Members by Matthew Kershaw of East Kent Hospitals Trust and Navin Kumta, Chairman of the CCG.

The report also encouraged Members to participate and influence the ongoing process of transforming the local health and social care service.

The Portfolio Holder for Highways, Wellbeing and Safety referred to the presentation held prior to the meeting and highlighted the report's recommendation that encouraged Members to engage with the Community Networks.

A Member said he wished to draw attention to the listening event planned to be held at the Julie Rose Stadium on Friday 17th February at 1.00 pm which all Members were welcome to attend. He also promoted membership of the hospital trust as well as the Community Networks.

Resolved:

- That**
- (i) the information provided on the Health and Social Care Sustainable Transformation Plan (STP) for Kent and Medway be noted.**
 - (ii) Members be encouraged to participate and influence the ongoing process of transforming the local health and social care service.**
 - (iii) Members be encouraged to engage with their local community networks.**
 - (iv) support be given for the direction of travel proposed within the STP and the aspiration to provide support for better health and wellbeing, better standards of care and better use of staff and funds.**

294 Budget Monitoring – Quarter 3, 2016/17

The report presented an assessment of the outturn position for the financial year based on the first three quarters of the year for the General Fund, the Housing Revenue Account and the Collection Fund. Current forecasting on the General Fund showed an overall favourable variance of £121,000, however, it needed to be noted that Quarter 1 underspends had been transferred to reserves. The Housing Revenue Account was projecting an overall deficit of £444,000 which was lower than the budgeted position.

Resolved:

That the Budget Monitoring position as at 31st December 2016 be noted.

295 Ashford Borough Council's Performance – Quarter 3, 2016/17

The report provided an update on the performance of the Council against its Corporate Plan during Quarter 3, 2016/17. This included information on what the Cabinet had achieved through its decision-making, key performance data and consideration of the wider Borough picture which impacted upon the Council's work.

Resolved:

That the Council's performance against the Corporate Plan in Quarter 3 of 2016/17 be noted.

296 Member Training Panel – 6th December 2016

The Chairman of the Member Training Panel explained that he had been the driver behind the recommendations set out within the report and said that he believed that training increased public confidence in how Members undertook their roles. In terms of future training, be advised that Officers were looking at working with the Kent Association of Local Councils and Kent County Council in terms of the joint provision of training courses.

Resolved:

That the notes of the meeting of the Member Training Panel held on the 6th December 2016 be received and noted.

297 Local Plan and Planning Policy Task Group – 22nd December 2016

Resolved:

That the notes of the meeting of the Local Plan and Planning Policy Task Group held on the 22nd December 2016 be received and noted.

298 Economic Regeneration and Investment Board – 21st December 2016

Resolved:

That the notes of the meeting of the Economic Regeneration and Investment Board held on the 21st December 2016 be received and noted.

299 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)

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