



Overview and Scrutiny Committee

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Tuesday 28th January 2014 at 7.00 pm.

The Members of this Committee are:-

Cllr Aaby (Chairman);
Cllr Chilton (Vice-Chairman);
Cllrs. Apps, Bartlett, Bennett, Burgess, Davison, Feacey, Hodgkinson, Mrs Hutchinson,
Link, Miss Martin, Mrs Martin, Mortimer, Smith, Yeo.

Agenda

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|---|----------------------|
| 1. Apologies/Substitutes – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii) | |
| 2. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document: | (i) |
| a) Disclosable Pecuniary Interests (DPI) | |
| b) Other Significant Interests (OSI) | |
| c) Voluntary Announcements of Other Interests | |
| See Agenda Item 2 for further details | |
| 3. Minutes – to approve the Minutes of the Meetings of this Committee held on the 26 th November 2013 | |

Part I – Matters Referred to the Committee in Relation to Call-In of a Decision made by the Cabinet

None for this meeting

Part II – Responses of the Cabinet to Reports of the Overview and Scrutiny Committee

None for this Meeting

Part III – Ordinary Decision Items

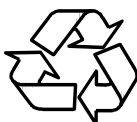
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| 4. Report of the Budget Scrutiny Task Group. | 1 - 18 |
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Part IV – Information/Monitoring Items

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| 5. | Fly posting and graffiti – Powers and Obligations for the Council. | 19 - 22 |
| 6. | Future reviews and report tracker. | 23 - 27 |
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JV/VS
20 January 2014

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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:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- 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

Overview and Scrutiny Committee

Minutes of a Meeting of the Overview and Scrutiny Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **26th November 2013**.

Present:

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

Cllrs. Apps, Bennett, Burgess, Davison, Feacey, Hodgkinson, Mrs Hutchinson, Link, Marriott, Mrs Martin, Mortimer, Smith.

In accordance with Procedural Rule 1.2 (iii) Councillor Marriott attended as Substitute Member for Councillor Bartlett.

Apologies:

Cllrs. Adby, Bartlett, Miss Martin, Yeo.

Also Present:

Policy and Performance Officer, Housing ICT Development Manager, Nature Conservation and Tourism Officer, Sports Projects Manager & Active Ashford Co-ordinator, Senior Scrutiny Officer, Member Services & Scrutiny Support Officer.

211 Declarations of Interest

Councillor	Interest	Minute No.
Davison	Made a 'Voluntary Announcement' as he was a member of various rowing and sailing organisations.	215
Feacey	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteers Bureau and a member of Maidstone Canoe Club.	215
Mrs Martin	Made a 'Voluntary Announcement' as she was a Member of Conningbrook Working Group.	215
Mortimer	Made a 'Voluntary Announcement' as he was a Member of Conningbrook Working Group and one of the Ward Members for the area.	215

212 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 20th August 2013 be approved and confirmed as a correct record.

213 Ashford Borough Council's Performance – Quarters 1 and 2, 2013/14

The Policy and Performance Officer introduced the two reports, which sought to give members of the public and Councillors information on the Council's progress against key performance indicators. These indicators were built around Focus 2013 - 2015, which had been agreed by the Cabinet in the previous month. He advised that performance remained strong across the Council, with a rapid fall in applications for Job Seekers Allowance. However there had been a notable increase in homelessness, although this was being addressed proactively through various new initiatives.

A Member commented that the Ashford Strategic Development Board (ASDB) was mentioned in the report. With regard to Ashford's shared space, the Member considered there had been a lack of accountability at top management level, and he suggested that ASDB appoint one person to take responsibility for identifying problems at an early stage to prevent escalation. The Policy and Performance Officer explained that the ASDB had not yet met, but he would ensure that the Member's comments were passed to the Board in due course.

In response to a question about the monitoring of the Council's telephone system, the Policy and Performance Officer confirmed that all indicators relating to telephone calls continued to be monitored. This included indicators such as length of time of call, abandonment rate and number of calls answered within a specific time period. The abandonment rate had reduced to between 10-15%, which was the lowest rate for some years. Target waiting times for customers to be assisted on a face to face basis were also impressive due to an increase in staffing levels over the summer.

One Member praised the report, but pointed out that it was not presented in the corporate style i.e. Arial size 12 font, which was noted by the Policy and Performance Officer.

There was some discussion about the proposal to establish a small working group of Members, chaired by Councillor Shorter, to consider codes of practice for corporate projects and to identify one person to be ultimately responsible for each project.

The increased homelessness figures were noted by Members, and the Policy and Performance Officer agreed to relay Members' concerns to the Housing team and to discuss whether to include further housing information in the quarterly reports. The Policy and Performance Officer explained that these increased figures had arisen because the number of families as well as individuals seeking emergency

accommodation was increasing. Addressing this problem was one of the key components of the Homelessness Strategy, agreed in July 2013.

Members generally liked the format of the reports, although there was a request to see Job Seekers Allowance presented as a percentage of the local working population of the Borough. The Policy and Performance Officer confirmed that the number of residents applying for Job Seekers Allowance had fallen by approximately 20% between September 2012 and September 2013.

In response to a question about the apparent dramatic decrease in Benefits caseload, the Policy and Performance Officer advised that this was a typographical error, and the figure should read 10,350, which represented only a small decrease. He undertook to provide the Committee and all other Members with more information on the number of residents returning to employment or transferring to Job Seekers Allowance from other benefits.

Resolved:

That the reports be received and noted.

214 Procurement of Energy Saving Proposal for Civic Centre: LED Lighting & Sub-Metering

The Housing ICT Development Manager introduced his report and explained that his proposals had been to full Council at an earlier date but had been referred to Overview and Scrutiny. The purpose of the report was to advise Members on the procurement process undertaken, and to establish that this was a value-for-money proposal. When asked if the changes to the lighting included controls to dim or automatically turn off the new lighting, he explained that the lights would not be dimmable and that controls to turn lights off automatically would only be installed where it was appropriate. This was to be addressed for suitable areas of the building, such as the Council Chamber, but lights in the open plan office areas would continue to need to be switched off. The current system relied on staff to be alert to turning off lights and computers. The Housing ICT Development Manager advised that new computer devices had been installed which used less energy, and that the sub-metering system calculated energy usage in daytime and at night so it would be possible to see areas of greatest usage.

There was discussion about the tenants in the building and their energy usage. The Housing ICT Development Manager advised that tenants paid a rental charge and an extra service charge and consumption was included in the latter charge. Although sub-metering would identify tenants' usage in future, their lease conditions would remain unchanged until the end of the lease period. He further explained that it had been difficult to make direct comparisons between different sub-metering systems in terms of value-for-money because it was not a case of comparing 'apples with apples' and he had evaluated the solutions based on meeting the Council's stated requirements. He advised that he planned to monitor usage whilst also encouraging staff to move towards reduced consumption. He wanted to move to a position where it was possible to charge services for energy consumption rather than the current system of using head count. He expected the sub-metering system to

enable at least 5% savings, and this figure would be increased if staff were to respond to the drive to lower energy usage. He considered that services would only feel pressure when there was a change of budget apportionment to reflect usage. He advised that the original indicative costs and payback period quoted to Cabinet had now reduced following procurement work. Members noted that the Portfolio Holder was not present at the meeting and it was considered that Portfolio Holders should be expected to attend where an item under their responsibility was being discussed.

Resolved:

That the Overview and Scrutiny Committee were content with the procurement process for the lighting replacement and sub-metering projects.

215 Update on Conningbrook Lakes Country Park

This report was introduced by the Nature Conservation and Tourism Officer. He explained that the report had various elements:

- To inform Members on future proposals for Conningbrook Country Park;
- To provide an update on progress of concluding management agreements with the three proposed operating partners;
- To provide a brief update on work undertaken by Ashford Leisure Trust (ALT) and the Council to develop operating policies and procedures with regard to water sports and other proposed events.

Members generally considered that this was a very exciting opportunity, but expressed concern about management and safety issues. The Nature Conservation and Tourism Officer explained that this was a complex proposal because it was not just envisaged as a water sports centre, but also as a fishery and local wildlife conservation area. It was proposed that no single group would be solely responsible, but that a structure would be put in place for the three operating partners and the Council to work together to develop the appropriate operational procedures. The partners had already held discussions to identify potential issues and had consulted the Royal Society for the Prevention of Accidents (ROSPA) to anticipate issues and develop policies. The Nature Conservation and Tourism Officer emphasised that this park would evolve and grow over time. He felt it was important not to be overambitious at the beginning, and early access arrangements would be limited, and would be unlikely to include schools.

The Sports Projects Manager & Active Ashford Co-ordinator explained that he had consulted with local organisations who were involved in water sports to get an understanding of what was needed at this facility. He considered that many local voluntary clubs were highly knowledgeable, and they had offered comments regarding how the facility could operate. He was hoping to arrange for these clubs to run taster sessions with ALT in Spring 2014. They had been unable to arrange these sessions during 2013 due to a busy stadium schedule. It was intended to

discuss these taster sessions with the Conningbrook Members Working Group, and information would be cascaded down to all Members in due course.

Members continued to express concern over the precise management and safety arrangements, and recommended that the Officers report back to the Committee in Spring/Summer 2014 with more concrete details of management and safety policies and procedures. The Nature Conservation and Tourism Officer explained that the Council would be appointing a Country Park Manager in due course with overall responsibility for the site. It was understood that the main risk would relate to activity on the lake. ALT would be managing access to the lake, but activities on the water would be organised and managed by the responsible clubs who had skill and experience in operating these types of events. Each partner had undertaken risk assessments and put in place procedures in relation to their area of responsibility. ROSPA had been consulted over the project plan and did not highlight any major risks associated with the operation of the lake facility. They were content with the proposed safety enhancements. Zurich Insurance had also been on site and had undertaken a risk assessment and provided advice, as had the Council's Health and Safety Officer. In addition, the Council's Tree Officer had inspected the site to identify any potential risks from trees surrounding the lake. All assessments had reached the same conclusion that the main risks arose from the water and the railway line, and these risks would be managed through policies and procedures, and the site would not open until these were in place. The Park Manager's role would not be a 24 hour one, although there would also be a Kent Wildlife Trust warden on duty, and there would be mechanisms in place to report incidents to the Monitoring Centre. The Nature Conservation and Tourism Officer pointed out that there was only so much work that could be done before the partnership agreement came into play formally.

One Member mentioned Singleton Lake and pointed out how the area had fallen into disrepair due to a lack of cohesive management. She warned against allowing a similar fate to befall the Conningbrook venture. The Nature Conservation and Tourism Officer assured the meeting that any future management structure would be robust with the facility being managed as a Country Park, with appropriate rules and regulations.

It was noted that the Willesborough Road was extremely busy at the entrance and exit to Conningbrook and it was considered that reassurance was needed regarding this issue. The Sports Projects Manager & Active Ashford Co-ordinator explained that the report to Overview and Scrutiny had been limited to avoid submitting a huge document, but that various details would be made available to Members in due course.

Resolved:

that

- (i) the report be received and noted;**
- (ii) a further update report, especially on safety issues, be provided in Spring/Summer 2014.**

216 Future Reviews and Report Tracker

The Vice Chairman in the Chair advised that a Joint Transportation Board meeting would take place on 10th December 2013 at 7pm. This meeting would be considering the Amey Shared Space report and Kent County Council officers and representatives from Amey would be at the meeting. The Vice Chairman in the Chair encouraged all Members to attend as there would be an opportunity to ask questions.

The Vice Chairman in the Chair advised that, due to the number of budget scrutiny meetings taking place in December, there would be no December meeting scheduled for the main O&S Committee, but the date would be retained in case of call-in.

Tracker

Members agreed the following actions:

- Report on the Council Play Parks – to be added to the Tracker.
- Update on Focus 2013 – 15 (the updated Corporate Plan) – to be added to the Tracker.
- Traffic Flows and Transport Infrastructure associated with developments in East and South Ashford – to wait until after the presentation from the Highways Agency to see if there were still concerns.
- Street Markets – to be removed from Tracker.
- Effectiveness of single O&S Committee – it was agreed that the Committee would discuss this item again in one year's time. In the meantime, the Senior Scrutiny Officer would provide Members with a brief paper on the role and responsibilities of the O&S Committee.
- Cultural Strategy – to be removed from the Tracker.

The Vice Chairman in the Chair urged Committee Members to suggest appropriate items for future agendas, and to contact the Senior Scrutiny Officer if there was an item they wished to have discussed at a future meeting.

Resolved:

That subject to the changes above, the Future Reviews and Report Tracker be noted.

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Agenda Item No: 4
Report To: Overview and Scrutiny Committee
Date: 28th January 2014
Report Title: Report of Budget Scrutiny Task Group
Report Author: Senior Scrutiny Officer



Summary:	The Overview and Scrutiny Budget Scrutiny Task Group has scrutinised the Council's draft 2014/15 budget and regards it as achievable.
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Key Decision: NO

Affected Wards:

Recommendations: 1. **The O&S Committee recommends that the Cabinet:**

- **Be advised that the O&S Committee regards the Council's draft 2013/14 budget as achievable**
- **Endorses the Risk Matrices and the risks identified within them, particularly noting those that fall in the shaded part of the matrix**

Policy Overview: Under the Council's Constitution the O&S Committee has a duty to scrutinise the Council's draft Revenue and Capital Budgets.

Financial Implications: As noted in the report

Risk Assessment N/A

Equalities Impact Assessment N/A

Other Material Implications: As noted in the report.

Exemption Clauses: N/A

Background Papers: All individual services draft 2014/15 budgets

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Budget Scrutiny Report

The Budget for 2014-2015 will operate under some of the severest and tightest financial constraints in the history of Local Government. It is in that context which this budget was scrutinised, examined and analysed by members of the Overview and Scrutiny Committee Budget Task Group.

At the very outset I would like to thank Cllr's Apps, Burgess, Mrs Martin and Cllr Mortimer for their steadfast commitment, and hard work through the Budget Scrutiny process, and with whom it was a pleasure to work. I would like to also thank them for electing me as Chair of the Task Group.

In addition, and on behalf of the Task Group I would like to thank Officers in Members Services who provided ongoing support and guidance for the Task Group. Furthermore, special thanks are given to the Finance team who were able to provide technical and detailed information for members of the Group through its work.

As Chair of the Budget Task Group, I would like to thank Heads of Department and Budget Holders for meeting with me prior to the Budget Scrutiny process. It was invaluable to have the opportunity to discuss budgets with Officers prior to their appearance before the Task Group and I highly recommend the approach to whoever is elected as Chair of the Task Group next year.

The Task Group asks Members to note that the Medium Term Financial Plan Task Group no longer exists. One of the difficulties the Task Group faced in scrutinising the respective departmental budgets was that Task Group members did not start the Budget Scrutiny process with detailed knowledge about budget assumptions. A special meeting of the Task Group was convened to receive information on Budget Assumptions and it is strongly recommended that future Task Groups hold a similar session at the beginning of the Budget Scrutiny process.

The Task Group believes that as next year's Budget is being formulated, and with the absence of the MTFP Task Group, it would be helpful for all members if briefings could be provided on developing budget assumptions.

The Task Group thanks Portfolio holders for attending meetings of the Task Group while their respective Budgets were scrutinised. The Task Group notes the innovation this year in Portfolio holders 'signing off' budgets and commends the approach as it builds ownership of the construction and management of departmental budgets by Portfolio holders. This also means there can be more democratic and direct accountability by Portfolio holders to the Council and to the public.

The Task Group notes the reduction in the government grant, and that the Council can continue to expect reductions in the Formula Grant. With this in mind, the Task Group strongly believes that it is prudent and good financial management to ensure that the Council Tax base remains adequate. The Task Group notes the current administration's decision to freeze Council Tax for the next two years.

The Task Group scrutinised the Budget which was based on a 2% increase in Council Tax. It is regrettable that after the Task Group had completed its work the decision on the Council Tax increase was changed to a freeze.

Many authorities are increasingly dependent on New Homes Bonus to meet budget costs. The Task Group notes that government is currently reviewing New Homes Bonus. It is likely that as central government funding becomes more and more scarce, Ashford will have to consider how best to use New Homes Bonus to meet the needs of the residents of our Borough. The decision to freeze Council Tax for two years will result in Ashford Borough Council becoming increasingly dependent on New Homes Bonus to build a base budget now and in the future.

The Task Group notes that Cabinet approved the Focus 2013-15 Corporate Plan in October 2013. The document noted the threat of inflation and contained a counter-inflationary strategy to deal with the budget gap caused by inflation. Council Tax increases were a fundamental part of this strategy. The Task Group feels that the Council must develop a clear and definite direction in its long term financial planning and to do this it must reconcile the two year Council Tax freeze with the counter inflationary strategy. There is an absolute contradiction between government policy with regard to Localism and its apparent desire to control the level of Council Tax set by local authorities.

The government's welfare reform agenda has placed extra pressures on Ashford Borough Council and these pressures will continue over the next year, especially with the arrival of Universal Credit. In order to ensure residents are supported and to ensure collection of revenue, the Council must continue to allocate resources effectively and sensitively to manage the changes. The Task Group particularly notes the work of the Welfare Intervention Officers and strongly recommends that this service should continue. The Task Group notes that the work of the Council Tax and Welfare Reform Task Group is ongoing.

It has been evident through the Budget Scrutiny process that as an authority we are becoming increasingly reliant on the voluntary and community sector to deliver our strategic goals. Without the continued cooperation of the various organisations providing assistance to residents and supporting our service delivery, delivering a good budget would be all the more difficult. We must maintain strong and positive relationships with the voluntary sector.

Homelessness has been a pressure on this Council over the past year and measures have been taken to mitigate this risk. It is important that Council continues to work on this problem as it is likely the pressure will increase. Examining the potential for a Homeless Hostel is supported by the Task Group. In addition, it is important that Council continues to strengthen relationships with private landlords, and to encourage them to take on tenants who are in receipt of welfare payments. The Task Group also supports the principle of Ashford Borough Council encouraging Credit Unions as a serious and viable alternative to payday lenders.

The Task Group examined this Budget with reference to the Focus 2013-15 documents presented at the October Cabinet Meeting. The Task Group supports the principal of the Council becoming more entrepreneurial in its function and looks forward to seeing new ideas over the coming year. It is vital that Council continues to examine different methods of increasing revenue as it becomes clearer that a move to self-sufficiency for local government is the ambition of central government. The Task Group particularly supports moves to

encourage business growth in Ashford, and to facilitate new businesses committed to providing good well paid jobs in the Borough.

Members debated and examined the risks to the Council and to the Budget as part of the Scrutiny process and they are presented to members in this report in the risk matrix for consideration and approval.

The staff of this Council will ultimately implement this Budget. The Task Group would like to thank them for their hard work and dedication to this Council and in their public service.

The Task Group concludes that the Budget is balanced, and that it is achievable. Members of the Task Group are happy to commend it to Council for decision.

Brendan Chilton

Chair of the Overview and Scrutiny Budget Task Group.

Summary

Achieving a balanced budget is a fundamental requirement for the Council. The Council's provisional draft budget for 2014/15 was presented to the Cabinet on 5th December 2012. This budget was built against a backdrop of continued economic austerity measures, and an increasing cost base due to inflationary pressures.

When the draft budget was being prepared the Government's Autumn Budget statement had yet to be announced and so the draft budget was prepared using the Government's provisional figures which were published, for consultation, in the summer. Details of the settlement grant figures had also not been announced.

The draft budget allowed for a £1m reduction in formula grant and assumed a 2% rise in Council tax. Last year low taxing councils (of which Ashford was one) were allowed more flexibility to increase their levels of council tax - and Ashford was able to increase its Band D council tax by just under £5 for the year. Even with this increase Ashford's council tax was still the lowest in Kent. No decision on the final level of council tax increase for 2014-15 will be made until the final budget is presented to the Cabinet for its approval in February.

The provisional draft budget presented to the Cabinet was then submitted to the Overview and Scrutiny Committee's Budget Scrutiny Task Group for formal scrutiny.

This draft budget was scrutinised by the Overview and Scrutiny Budget Scrutiny Task Group over a series of meetings. The Task Group met on six occasions and at each meeting Members asked the relevant Officers to give the Group an overview of their service, the risks and uncertainties facing them and their proposed service developments.

The table attached to this report highlights the areas that the Task Group considered could be a risk to the 2014/15 budget and places them in a Risk Matrix which shows the potential likelihood of the event occurring and the material impact it would have on the Council if it were to occur. The Risk Matrix is separated into Financial risk and Operational (i.e. service quality) risk. Risks of high probability or materiality (in the shaded area of the matrix) could impact on the 2014/15 Budget and would require careful monitoring during the year.

The Minutes of the meetings are available to Members and should be read in conjunction with this report for more information.

The 2014/15 budget is for the fourth year of the council's 5 year business plan. Recommendations for delivering the remaining priorities of the final two

years of this plan were agreed in October when the Cabinet adopted the 'Focus 2013 – 15: the Corporate Plan and supporting Financial Plans' paper.

By the end of the Budget Scrutiny process the Task Group had not raised any issues that caused it to be concerned that the Budget for 2014/15 would not be achievable and were encouraged to know that financial position of the Council was being regularly monitored. However, it was acknowledged that the financial position in subsequent years was going to be increasingly challenging.

Julia Vink
Senior Scrutiny Officer

Risks and Uncertainties 2014 -15

9 th December 2013 Community and Housing – General Fund (GF)		Probability	Materiality
		Financial/Operational	
1.1	Welfare reform continues to be a risk for 2014 - 15. It is hoped that the continued growth of ABC lettings and other initiatives will assist in managing the risk, but the risk remains.	H	H
		O	
1.2	A strategic purchase potentially generating an additional £300,000 net income is built into the budget. Purchase not yet finalised and income could be less (or more) than budgeted. This is a Council and Service risk.	L	M
		F	
1.3	Monitoring Centre – this non-statutory service could generate more income if additional services were successfully bid for. The new fixed term business development post would target increasing the work & therefore income. If not successful then post could be deleted and other options considered.	L	L
		O	
1.4	Occupancy of Civic Centre – future occupancy levels at risk as a current tenant is forecast to move out in 2014, this would decrease income for both occupancy and customer services.	M	L
		F	
1.5	Car parking – income has remained steady but there is uncertainty whether the Government will restrict how this income is used in the future. Free parking on designated shopping days puts a pressure on this service.	L	M
		F	
1.6	Disabled Facilities Grants – demand for these continues to grow. Funding comes from Government (2014 -15 funding to be announced) and Council's capital receipts could reduce.	M	L
		F	
1.7	Affordable Housing – good levels expected by March 2015. However, developers concerned about cost of delivery of these homes on sites and council under pressure to make concessions in order to get affordable homes built.	M	M
		O	

9 th December 2013 Community and Housing - Housing Revenue Account (HRA)		Probability	Materiality
		Financial/Operational	
2.1	Welfare Reform – this continues to be a risk – evictions have increased, but, due to council initiatives, rent collections are high and arrears levels are stable.	H	H
		F	
2.2	Disabled Adaptations – continue to be a pressure due to the continuing high demand. Appropriateness of demand needs to be monitored.	L	L
		O	
2.3	Local Authority New Build (including rebuilding/remodelling sheltered housing schemes) – financial risks are associated with each scheme/project but they are put through the HRA Business Plan financial model to ensure they are affordable within the constraints of the HRA debt cap, and approved by Members/Cabinet on a case by case basis.	L	H
		F	

16 th December 2013 Planning & Development		Probability	Materiality
		Financial/Operational	
3.1	Planning fee income can vary considerably from year to year & creates a challenge to match income with workload and resources. Flexibility to manage fees across a 3 year rolling programme would help even out the income profile and provide a more predictable base level of planning income.	M	M
		F	
3.2	Capacity to deal with increased workload could be an issue. Higher fee income could be used to offset some of this risk but fees only cover approximately 50% of total staff costs.	M	M
		O	
3.3	Tension between delivery of projects and maintaining service. Service quality levels for the standard planning service have been maintained but the primary focus on the growth agenda has resulted in slower response times.	M	M
		O	
3.4	Planning reserve reducing – no recent opportunities to top up the planning reserve (used for supporting Core Strategy review costs, inspectors' fees, appeal costs etc). Need to find alternative ways to maintain reserve otherwise it will dwindle away.	L	L
		F	

16 th December 2013 Finance		Probability	Materiality
		Financial/Operational	
4.1	Drastic reductions in funding from central government and uncertain future for local government.	H	H
		F	
4.2	Reductions in funding provided by New Homes Bonus could impact on Ward Member Grants and Single Grants Gateway.	L	L
		F	
4.3	Supporting corporate change projects may create capacity and resilience issues for the small Personnel team.	M	L
		O	
4.4	Universal Credit – delayed with timing of full roll-out still uncertain but suggested for 2016 and 2017 - will amalgamate a number of Benefits including Housing Benefit. The scheme will be administered by the Dept of Works & Pensions – leading to uncertainty about job security for staff in the Service (note councils are already on notice to plan to downsize their operations). Details of the exact role that the council will provide in supporting the delivery of UC are not to be announced until late Autumn 2014.	H	H
		O	
4.5	Creation of a Single Fraud Investigation Service (SFIS) controlled by the DWP is now confirmed for implementation during 2014 – leading to further uncertainty for staff.	H	L
		O	
4.6	Maintaining and delivering growth in business rates – and thus revenue to the council is important. Council should receive full compensation for loss of business rate revenue from recent government reductions in business rate increase.	M	H
		F	
4.7	The relatively small size of the finance (accountancy service) and increase in demand, plus extended absences due to maternity leave and sickness have affected service resilience; provision of temporary staff has helped manage the pressure for the time being. Restructuring proposed with the addition of one full time equivalent.	L	L
		O	

17 th December Legal and Democratic		Probability	Materiality
		Financial/Operational	
5.1	Legal income for 2014/15 remains a risk: number of large scale planning applications submitted are outside of the council's direct control and the level of cost recovery may be affected if there is negotiation of reduced recharge rates or caps in specific cases.	L	L
		F	
5.2	Level of major project work requiring significant legal support has increased, and is expected to continue to do so. There has been an increase in the Strategic development legal resource. Increased corporate drive for income-generating property acquisition work could lead to pressure on the Property and Projects team.	M	M
		O	
5.3	National roll-out of Individual Electoral Registration (IER) from summer 2014 will present great challenges for the Electoral Services team. Some additional government funding has been made available for transitional work, but there will be long term resource implications together with a review of the team structure.	H	L
		O	
5.4	Combined parliamentary and local elections in May 2015	H	L
		O	
5.5	Community governance – unpredictable demand for urban 'parishing' could create pressure as this could not be resourced by the existing elections team alone.	M	L
		O	

17 th December Communications and technology		Probability	Materiality
		Financial/Operational	
6.1	Continuing uncertainty & difficulty in achieving compliance with PSN Code of Connection: moving of 'goalposts' by central government and conflicting requirements from different government departments.	L	M
		O	
6.2	Migration to new KPSN supplier and changes to ongoing support arrangements.	L	L
		O	
6.3	Greater collaboration with partner councils may require significant IT resource for scoping work at short notice.	L	L
		O	
6.4	Large number of FOI/EIR requests, more requests for internal reviews and some referrals to the Information Commissioner continues to be a challenge for all service areas.	L	L
		O	

13 th January 2014 Culture and the Environment		Probability	Materiality
		Financial/Operational	
7.1	Reduction in subsidy to Ashford Leisure trust – risk if not achieved.	M	L
		F	
7.2	Grounds maintenance contract – assumes saving of £100,000 from previous year , whilst maintaining quality and value for money	L	L
		F	
7.3	Significant savings projected following the installation of Combined Heat and Power Plant - will be monitored throughout year	L	L
		F	
7.4	Potential financial implications from new refuse & recycling contract – future repair costs, unscheduled works, impact on ‘bring’ sites, garden waste income and impact of contract variations negotiated in 2013/14.	L	L
		F	
7.5	Discussions with ALT and Dance Academy re development of centre will need to be considered when awarding/considering future contracts.	L	L
		F	
7.6	Still working with John Wallace Academy and KCC re the potential transfer of management of Courtside and Pitchside, but may hold off until leisure asset procurement strategy is clear.	L	L
		F	

13 th January 2014		Probability	Materiality
Capital charges and Net Interest		Financial/Operational	
8.1	Interest rates remain at low levels and are lower than inflation thus devaluing the principal invested. Cash balances also static. Some proposed changes to investment strategy may increase investment return with managed risk.	L	M
		F	
8.2	Change in central bank policy means that central banks will no longer bail out banks before investors have taken significant 'hair cuts' on their capital. Council needs to avoid investing in banks that are weak and also to spread the risk more widely to reduce potential exposure to failure.	L	L
		F	
8.3	Opportunities to restructure the debt portfolio of the General Fund will be monitored - to deliver revenue savings through reduced interest rates.	L	L
		F	
8.4	Restructuring opportunities for the borrowing to buy out the HRA subsidy will be monitored but as this borrowing was at a discounted rate these are unlikely to occur.	L	M
		F	

13 th January 2014		Probability	Materiality
General Fund		Financial/Operational	
	None		

13 th January 2014		Probability	Materiality
Capital and Repairs and Renewals		Financial/Operational	
9.1	Capital financing – capital resources are not being replenished due to low level of sales both in General Fund and HRA; therefore borrowing of £500,000 has been built into the revenue budget from 2013/14 onwards to ensure buildings continue to be maintained	L	L
		F	
9.2	Revenue commitments – on going costs of capital projects must be assessed and included in medium term financial plan and annual budget otherwise these costs could build up pressures for future years' revenue budgets.	L	L
		F	
9.3	Debt cap (HRA) – due to the debt cap councils are limited in the amount they can borrow to fund major projects. There is the possibility that there may be additional funds available from the Government and the council could bid for a share of these. Other future funding sources include external contributions from Homes and communities Agency; capital receipts (including retained 'right to buy' receipts for one-for-one replacement); surpluses within the revenue budget.	M	M
		O	

Financial Risks to the Council				
Materiality	High >£500,000	2.3	4.6	2.1 4.1
	Medium £100,000– £500,000	1.2, 1.5 8.1, 8.4	3.1	
	Low <£100,000	3.4, 4.2, 5.1 7.2, 7.3, 7.4, 7.5, 7.6 8.2, 8.3 9.1, 9.2	1.4, 1.6 7.1	
		Low	Medium	High
	Probability			

Operational Risks to the Council				
Materiality	High			1.1 4.4
	Medium	6.1	1.7 3.2, 3.3 5.2 9.3	
	Low	1.3 2.2 4.7 6.2, 6.3, 6.4	4.3 5.5	4.5 5.3, 5.4
		Low	Medium	High
	Probability			

Agenda Item No: 5

Report To:	Overview and Scrutiny Committee
Date:	28th January 2014
Report Title:	Fly Posting and Graffiti – Powers and Obligations for the Council
Report Author:	Development Control Manager and Assistant Health Parking & Community Safety Manager
Summary:	The council has a number of preventive opportunities and reactive controls to limit the impact of fly posting and graffiti which are explained in the report.
Key Decision:	No
Affected Wards:	All
Recommendations:	The O&S Committee notes the report and supports the actions currently being undertaken and proposals for the future.
Policy Overview:	N/A
Financial Implications:	None resulting from this report
Risk Assessment	N/A
Equalities Impact Assessment	None
Other Material Implications:	As noted in the report.
Exemption Clauses:	N/A
Background Papers:	None
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Overview and Scrutiny Committee

Fly Posting and Graffiti – Powers and Obligations for the Council

What is Fly-posting?

- 1 There is no formal definition of fly-posting. However, it is generally taken to be:

the display of advertising material on buildings and street furniture without the consent of the owner, contrary to the provisions of the Regulations.

- 2 In practical terms, fly-posting can be divided into three broad types, each with particular characteristics:
 - a) Advertises primarily for local events, often photocopies put up in large numbers on a regular basis. These may advertise bands playing in pubs, car-boot sales and fairgrounds. They may be attached to lampposts, railings, and street furniture or pasted on buildings.
 - b) Posters advertising products of large organisations and put up by professional poster companies. These are usually larger (8/16 sheet), higher quality, colour posters, such as for record releases or national events. These are often pasted on vacant buildings and signal control/telecoms boxes.
 - c) Posters displayed by pressure groups or political bodies. These are generally ad hoc and sporadic with no clear pattern to their location.
- 3 There are other types of unauthorised advertisements (such as hoardings, A boards and business cards displayed in telephone boxes) which fall outside the normal definition of fly-posting.

Controls over Fly-posting

- 4 The principal controls over fly-posting are in sections 224 and 225 the Town and Country Planning Act (TCPA) and the Clean Neighbourhoods and Environment Act 2005 (CNEA).
- 5 The TCPA makes it an offence for any person to display an advertisement which is not permitted by the Town and Country Planning (Control of Advertisements) Regulations 1992 and which has not been specifically permitted by the council. As a result certain types of advertisements which fall into the three groups above may not be illegal because they are allowed

by the advert regulations. Good examples of this are posters and signs announcing any local event of a religious, educational, cultural, political, social or recreational character as long as it is not an event promoted or carried on for commercial purposes. This would allow signs for the local village fete but not for events such as commercial boot fairs.

Practical Solutions

- 6 Under the TCPA and as part of any action relating to unauthorised signage we have to make sure we consider whether the signs are causing any harm to public amenity or highway safety. It would not be appropriate to remove signs which are acceptable just because they do not have consent. Another important consideration can be the role of the sign in promoting or directing people to local businesses. In some cases the harm may outweigh the benefits to the local economy and action may not be appropriate.
- 7 To limit the impact of fly-posting we try a number of solutions. These include
 - a. Prevention - working with pubs, outlets etc. to discourage and identify other ways of advertising for example via Ashford Voice and Community web pages, for example Ashford.gov.uk, tenterdentown.gov.uk or parish council web sites .
 - b. Negotiation with the owner/beneficiary of the sign, if known, to have it removed.
 - c. Negotiation with the owner of the site which has been fly-posted to have the signs removed
 - d. Removal by ABC - to do this we have to serve a written notice letting the person displaying the advert or the people whose goods/ event are advertised know that we intend to remove it and give them at least 2 days to remove it themselves. If we damage property when removing signs then we can be liable to compensate the land owner. The Clean Neighbourhoods and Environment Act 2005(CNEO) now allows us to recover any costs of removal but for removal of a small number of signs for any one event this is unlikely to be cost effective. The highway authority also has powers to remove signs under the Highways Act 1980.
- 8 Where we can prove that fly-posting has been carried out by an individual or company or that people have benefitted from the advertisements, then we can prosecute in the Magistrates Court. If they are found guilty then they can be fined up to £2,500 and, in the case of a continuing offence, £250 for each day during which the offence continues after conviction.
- 9 Where people are seen putting up signs then we are able to issue fixed penalty notices under the Anti Social Behaviour Act 2003. Wider use of these powers will be implemented later in the year.

What is Graffiti ?

- 10 Graffiti is drawings, pattern, scribbles or messages, painted written or carved on walls and other surfaces. Graffiti blights many of our streets and if they are left untouched their presence often encourages more graffiti, dumping and anti-social behaviour and discourages people from visiting the area.
- 11 It is illegal - graffiti is vandalism and a criminal act which can result in the offender being arrested. We liaise with the Police as appropriate and look for constructive solutions with offenders, such as Restorative Justice Orders.

Controls over Graffiti

- 12 We currently remove all graffiti from council-owned property including litter bins, council houses and playgrounds. Any graffiti on private property or parish council owned land is the proprietors' responsibility.
- 13 Under S215 of the TCPA we can serve an untidy site notice if the site is causing "substantial harm to public amenity". This notice sets out the work the landowner is required to do to tidy up the site. The notice can include removal of graffiti. The more common use of such notices has been repairs to buildings and clearance of overgrown gardens. Failure to comply with the notice can lead to prosecution in the courts but is more likely to result in the council carrying out the work and charging the landowner.
- 14 Under the Anti Social Behaviour Act 2003 and the CNEA we can issue defacement removal notices on the owners of "relevant surfaces" requiring the removal of graffiti within 28 days. Relevant surfaces include the surface of structures on any street and the surface of any land owned by a statutory undertaker.
- 15 It also allows defacement removal notices to be served for fly posting.

Practical Solutions

- 16 To limit the impact of graffiti we try a number of solutions. These include
 - a. Prevention - working with young artists to put designs onto the areas that are being cleaned so to prevent issues in the future
 - b. Removal by the Town Centre Action Team (T-CAT) on public buildings in the borough and as a paid service offered to private landowners
 - c. Use of S215 notices for persistent graffiti sites
 - d. Defacement notices to require removal
 - e. Later in the year wider use will be made of enforcement powers including fixed penalty notices.

Future Reviews and Report Tracker

February

- ABC business plan Q3
- Annual review of Community Safety Partnership

Forward plan

Items on the forward plan will come to O&S in due course.

Year Plan 2013/14

Month	items	Task Group
May	<ul style="list-style-type: none"> • O&S annual report. • ABC Business Plan quarterly performance report. 	
June	<ul style="list-style-type: none"> • Sickness & Absenteeism annual report. • Communication and Consultation Strategy re Planning Policy 	
July		
August	<ul style="list-style-type: none"> • Review of Best Service Resources allow activity • Membership of Budget Scrutiny Task Group 	
September		
October		
November	<ul style="list-style-type: none"> • ABC Business Plan quarterly performance report Q1 & 2 • Review of 'Invest to save' Civic Centre lighting project • Update on Conningbrook project 	
December	Scrutiny of Council's draft 2014/15 budget	Budget Scrutiny TG meetings:- 9th Dec, 16th Dec, 17th Dec 2013.
January	<ul style="list-style-type: none"> • Report of Budget Scrutiny Task Group • Fly posting & graffiti – powers and obligations for the council 	Budget Scrutiny TG meetings:- 8th, 13th Jan, 16th Jan 2014
February	<ul style="list-style-type: none"> • ABC Business Plan quarterly performance report. • Annual review of Community Safety Partnership 	
March		Budget Scrutiny TG meeting;- 13th March 2014
April		

O&S Committee – Report Tracker – Current position

Minute No.	Report Title	Officer	Date due	Current position	Recommended action
299/10/06	Stour Centre	Head of Cultural & Project Services	TBC – after completion of claim work	Work ongoing	Await completion of claim work.
62/06/11	Housing Strategy Action Plan Monitoring Report	Head of Housing /Housing Strategy Officer	July 2014	Housing Framework 2013 -18 and Homelessness Strategy 2013 –18 adopted July 2013. Monitoring will recommence One year after adoption of new Strategy.	Timetable for one year after adoption of new Strategy.
432/03/11	Annual Review of Homelessness Strategy	Head of Housing	July 2014	The Homelessness Strategy to be included in the Housing Strategy in future.	As above
51/06/13	Sickness and Absenteeism – annual report	Head of Personnel & development	June 2014		Timetable for June each year.
13/05/13	Overview and Scrutiny Annual Report	Senior Scrutiny Officer	May/June 2014		Timetable for May/June each year
142/09/12	3 year review of Mayoralty		Sept 2015		
431/04/12	ABC Business Plan performance report – 2013/14	Policy & Performance Officer	May/Sept/ Nov/Feb		
62/06/12	Sports & Leisure		TBA		
398/03/13	Refurbishment of the	TBA	TBA	Final Report from Task Group	

	Stour Centre			to be presented to O&S	
418/04/13	Community Safety Partnership – annual update	Community Safety Service Manager	February 2014		
53/06/13	Fly posting & graffiti	Development Control Manager; Assistant Health, Parking and Community safety Manager	January 2014		
216/11/13	Council play parks	TBA	TBA		
216/11/13	Update on progress of Focus 2013 - 15	TBA	Oct/Nov 2014		
215/11/13	Update on Conningbrook Project – especially safety aspects.	Nature Conservation & Tourism Officer and Sports Projects Manager & active Ashford co-ordinator	Summer 2014		

Low Priority & other proposed reports

	Report Title	Officer	Date due	Current position	Recommended action
57/06/08 199/10/11 115/08/13	Update on new waste and recycling scheme.	TBA	July/ August 2014	New contract commenced July 2013.	Report on new contract one year after commencement
291/12/08 216/11/13	The effectiveness of a single O&S committee			Reconsider having a report November 2014	