

## 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 **28<sup>th</sup> January 2014**.

### Present:

Cllr. Adby (Chairman)  
Cllr. Chilton (Vice-Chairman)

Cllrs. Apps, Bartlett, Britcher, Buchanan, Davison, Feacey, Hodgkinson, Mrs Hutchinson, Link, Mortimer, Smith.

In accordance with Procedural Rule 1.2 (iii) Councillors Britcher and Buchanan attended as Substitute Members for Councillors Bennett and Yeo respectively.

### Apologies:

Cllrs. Bennett, Burgess, Miss Martin, Mrs Martin, Yeo.

### Also Present:

Finance Manager, Development Control Manager, Senior Scrutiny Officer, Member Services & Scrutiny Support Officer.

## 297 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteers Bureau.	
Mrs Hutchinson	Declared an 'Other Significant Interest' as a close family member may be involved in contracting for Council Services in the future. She left the Chamber for the whole of the item.	300

## 298 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 26<sup>th</sup> November 2013 be approved and confirmed as a correct record.**

## 299 Report of the Budget Scrutiny Task Group

The Chairman of the Budget Scrutiny Task Group introduced this report and explained that the Task Group had met on several occasions to consider the budget.

He offered his thanks for their hard work to Councillors Apps, Burgess, Mortimer, and Mrs Martin, and to Julia Vink and other officers who had been involved in the process. He said Members no longer had much knowledge of budget assumptions since the Medium Term Financial Planning Task Group had been disbanded. He suggested either resurrecting this Group, or that Members should be briefed during the course of the year. He considered it was regrettable that the decision to freeze council tax had been announced after the Task Group had finished their meetings. He identified a need to reconcile the counter-inflationary strategy with the new policy of freezing council tax. He also considered that a discussion was needed on how to use the new homes bonus. He moved that the report should be agreed.

One Member queried whether the report was a personal statement by the Chairman, or whether it had been agreed by the Task Group. The Chairman confirmed that he had presented his report to the whole Group, who were in agreement with the content.

There was much discussion about the fact that the intention to freeze council tax had not been communicated to the Task Group until after they had completed their meetings, and that the Chairman had only discovered this intention through attending the Cabinet meeting. Members expressed disappointment with the timing of the announcement and considered this was a discourtesy to the Task Group, although not a deliberate mis-steer or maliciously intended. Members suggested that the Chairman should voice his concerns, and it was agreed that the following comment should be submitted to Cabinet:

‘the Overview and Scrutiny Committee feels it was a discourtesy to the Budget Scrutiny Task Group that the Cabinet decided to change its recommendations to Council from a 2% increase in Council Tax to a freeze after the Task Group had finished its work’.

In response to a question about the current status of reserves, the Finance Manager advised that in accordance with the Focus 2013-15 document the Cabinet planned to release £1 million in 3 years to support growth. This would reduce reserves balances and full details on the status of reserves and advice on the adequacy of reserves would be provided in the budget report.

There was also discussion regarding the use of the New Homes Bonus (NHB) to balance the books in light of the intended freeze of council tax. The Finance Manager advised that the funding gap would be met through a grant from Central Government as well as through NHB receipts. Cabinet was also considering other funding options. Members considered that a comment was needed regarding reliance on the NHB to meet the funding gap as this was not what it had been intended for and because they believed it was designed to give existing communities lasting legacy following new homes development. It was agreed that the following comment should be placed with the Committee’s recommendations to Cabinet:

‘to ensure that New Homes Bonus is not habitually used to fund revenue gap but instead used to create legacy projects for the benefit of the Borough’.

Members considered that the report was concise and easy to read and agreed that it should be submitted to Cabinet.

**Recommended:**

**That Cabinet**

- (i) be advised that the O&S Committee regards the Council's draft 2013/14 budget as achievable;**
- (ii) endorses the Risk Matrices and the risks identified within them, particularly noting those that fall in the shaded part of the matrix;**
- (iii) ensures that New Homes Bonus is not habitually used to fund revenue gap but instead used to create legacy projects for the benefit of the Borough,**

**and to note that:-**

- (iv) the Overview and Scrutiny Committee feels it was a discourtesy to the Budget Scrutiny Task Group that the Cabinet decided to change its recommendations to Council from a 2% increase in Council Tax to a freeze after the Task Group had finished its work.**

### **300 Fly posting and graffiti – powers and obligations for the Council**

The Development Control Manager introduced this report, which had been written in conjunction with the Assistant Health, Parking and Community Safety Manager. He explained that she was unable to attend the meeting due to an unexpected incident and she sent her apologies. The Development Control Manager advised that he understood the remit from the Committee was to have a better understanding of what the Council could do in relation to the problems of fly posting and graffiti, and this report set out to define these terms and explain what could be done now and in the future.

A Ward Member from South Ashford said there had been recent graffiti attacks in her Ward. She asked for advice on how to get rid of the graffiti. The Development Control Manager advised that Mike Cook was the person to contact in the Council. If the graffiti was on private property, and the Council was asked to remove it, they would be likely to charge a commercial rate, although it was likely to be competitive in comparison with local commercial operators.

In response to a question from a Member, the Development Control Manager advised that the fine for fly posting and graffiti had recently risen from £1,000 to £2,500. As a result of the Clean Neighbourhoods and Environment Act the Council could now prosecute those who benefitted from fly posting, although the Council did not often prosecute because it was expensive, and more cost effective and immediate solutions were used. He also explained that the Council operated a two-pronged approach; using prevention methods to stop fly posting, and approaching owners of graffitied premises and advising them to remove the graffiti immediately to discourage further damage.

In response to a question from a Member, the Development Control Manager confirmed that the Council would only remove graffiti from Council property. Where a graffitied property was owned by another organisation, such as Kent County Council, the Council would draw their attention to the graffiti and encourage them to remove it. One reason why the Council would not remove graffiti from non Council-owned property was that if there was any damage, the Council could be liable for the cost. The Council did offer a service to remove graffiti, but this was only with the owner's permission, and was chargeable.

The Chairman of the Committee said that the Town Centre Action Team were doing a wonderful job and he asked the Development Control Manager to pass on his thanks for their hard work.

A Member asked about dealing with dumped refuse, and cited an area on the Kingsnorth road where a settee and mattresses had been dumped in a ditch. The Development Control Manager advised that this was fly tipping not fly posting, and that this issue was dealt with by the Contracts Team in the Culture and Environment Department.

A Member described a situation where a shop had been covered by graffiti at the request of the owner, who considered it artwork. The neighbours were not happy with the situation and said it was graffiti and should be removed. The Member asked how one would define graffiti, and who would decide whether it was graffiti or artwork. The Chairman advised the Member that the appropriate officers within the Council could advise.

The Leaf Lounge café and a tattoo parlour on Christchurch Road were both raised as examples of decorated buildings which were considered unsightly. The Development Control Manager advised that this was a complex issue because it had to be decided whether the decoration was artwork, advertising or graffiti. If it was an advertisement, it could need consent under the Town and Country Planning Act. Unsightly building decoration at a high level could also be dealt with through planning legislation. However, where the decoration was close to the ground, and had been done with the owner's consent, there might be little that could be done about it.

The Development Control Manager said that further enforcement powers were expected later in the year, including more immediate action for dealing with fly posting, graffiti and other actions which impacted on the appearance of the borough.

**Resolved:**

**That the report be received and noted.**

### **301 Future Reviews and Report Tracker**

It was suggested that the issue of fly tipping be added to the Tracker to be considered by the Committee later in the year, and this was agreed.

A Member raised the question of how the Borough had fared in the recent wet weather, and whether there had been any specific impacts or lessons learned. The Senior Scrutiny Officer advised that details could be included in the Information Report to Members.

It was suggested that an update on the ongoing situation at the Stour Centre be provided for a future meeting. The Senior Scrutiny Officer said she would make some enquiries and circulate any appropriate information to Members.

**Resolved:**

**that**

- (i) the Future Reviews and Report Tracker be noted;**
- (ii) a report on fly tipping be put on the Tracker.**

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Queries concerning these Minutes? Please contact Rosie Reid:  
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