

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 **20th May 2014**.

Present:

Cllr. Chilton (Chairman);

Cllr. Davison (Vice-Chairman);

Cllrs. Buchanan, Davidson, Feacey, Hodgkinson, Mrs Martin, Mortimer, Sims.

In accordance with Procedure Rule 1.2 (iii) Councillor Davidson attended as a Substitute Member for Councillor Adby.

Apologies:

Cllrs. Adby, Apps, Bartlett, Mrs Blanford, Burgess, Mrs Hutchinson, Miss Martin, Yeo.

Also Present:

Cllr. Galpin

Interim Waste and Street Scene Manager, Street Scene Officer, Policy and Performance Officer, Senior Scrutiny Officer, Member Services and Scrutiny Manager.

14 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as he was on the Management Committee of UK LPG.	17
Hodgkinson	Made a Voluntary Announcement as a member of the Steering Committee of Ashford Community Woodland.	16

15 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 22nd April 2014 be approved and confirmed as a correct record.

16 Fly Tipping – Powers and Obligations for the Council

The report provided Members with an overview of the legislation on powers relating to fly tipping. Current issues and considerations for Ashford were also included. The Interim Waste and Street Scene Manager and the Street Scene Officer were present at the meeting.

The Interim Waste and Street Scene Manager conveyed the apologies from Councillor Mrs Blanford as Portfolio Holder for not being able to attend the Committee. He explained that Councillor Mrs Blanford had wished the Committee to be advised that fly tipping was an issue which Environmental Services took very seriously and that fortunately the figures showed that fly tipping had not increased significantly since the introduction of the new Waste Management Service. He explained that Councillor Mrs Blanford had said that the service was looking at ways of controlling dumping in the countryside which might explore the use of more covert surveillance and it was intended that action would be taken when it was possible to identify people fly tipping.

The Interim Waste and Street Scene Manager then took the Committee through the report in detail and drew attention to a guide which had been produced by the Environment Agency (www.gov.uk/manage-waste-on-land-guidance-for-land-managers) and said he was happy to leave copies of that document for Members. He also had a supply of informational leaflets which dealt with community cleaning events. The Committee then asked a number of questions and a summary of the responses given is shown below:-

- Information regarding the number of prosecutions for fly tipping over the previous 12 months period could be provided.
- There were no differences in terms of the legislation for either private or social tenants, however, some social landlords made their own arrangements for dealing with litter and fly tipping.
- The leaflets available at the meeting emphasised the need for residents to manage their own waste and if they employed a disposal contractor, it was their responsibility to check the status of that contractor as they would be responsible if it could be proven that the disposal of such waste had been subject to fly tipping. If any Member had any evidence to identify the fly tipper, this should be reported to the Street Scene Team.
- If the Kent County Council received any notifications of fly tipping they would check whether it was located on adopted public highway and if it was they would report this to Ashford Borough Council as the responsible Authority who would arrange for contractors to clear the area.
- Litter from fast food outlets did not constitute fly tipping, however, Officers were keen to encourage the reporting of litter to the Cleaning Team who would arrange for the litter to be dealt with. In some cases evidence might

show that it was a particular hotspot and therefore additional cleaning resources could be applied.

- In terms of street cleansing, the contractor was required to clean all areas to the appropriate standard and if this had not been done it was important to report it to the Cleaning Team.
- There were very good voluntary groups in the area who helped keep areas of their community clean from litter. The contractor Biffa was also available to help. Clarification was given on paragraph 5.9 regarding the household green waste collections and associated bin deliveries. The paragraph had been incorporated in the report to illustrate that there was greater demand which had to be dealt with via a small team and therefore limited resources were available to assist in areas such as enforcement.
- In terms of the Council possibly assisting in tracing evidence of fly tipping and the source of that fly tipping was a resources issue. The legislation stipulated that it was the Council's responsibility to clear up fly tipping and if evidence was available this would be followed up.
- It was accepted that for certain items which were illegally dumped such as old cookers and fridges and such appliances, it was impossible to trace who had actually owned that equipment.
- Assistance was available for Members from the Cleaning Team in terms of community clean up initiatives.
- Relationships with the various schools were fostered and higher cleaning regimes were in place around the school vicinities. However, the Council had no enforcement powers to go on to school premises.

In terms of any recommendations to make to the Cabinet on this issue, the Committee agreed that the Cabinet be asked to consider the placement of covert camera traps to identify the perpetrators of fly tipping.

Resolved:

- That (i) the report be received and noted.**
- (ii) the Cabinet be asked to consider the placement of covert camera traps to identify the perpetrators of fly tipping.**

17 Ashford Borough Council's Performance – Quarter 4 2013/14

The Policy and Performance Officer introduced the report. He explained that the report aimed to provide Members and the public with a transparent overview on the performance of the Council during the Quarter. The report included information on what the Cabinet had achieved through its decision-making processes, key

performance data and consideration of the wider borough picture which impacted on the Council's work. The report was focussed around the 2013-2015 Corporate Projects. The Policy and Performance Officer drew particular attention to a number of issues set out within the report which included the purchase of International House; the extension of the popular PopUp Ashford Initiative; the addition of two more priority projects making eight in total, the performance of which he explained was monitored by the Ashford Strategic Development Board. The reduction throughout the year in terms of the number of households in B & B accommodation reflected the additional resources made available to enable the Council to be more proactive on the homelessness issue.

A Member referred to the statement that of those checked in the last three months, 100% of the Borough's Council homes had a Gas Safety Certificate and said that he believed this was misleading as he understood that there were three properties which still did not have such a Certificate. The Policy and Performance Officer confirmed that the report only dealt with those properties checked in the last three months and said that he understood that the Portfolio Holder had raised this issue with the Housing Department. He also agreed to provide Members with information relating to the staffing of the team which dealt with the recycling roll-out now compared to those employed during the peak period last Summer.

In response to a question and comment from a Member regarding the PopUp Shop Initiative and the figures for the use of the Ashford International Railway Station, the Portfolio Holder explained that none of the users of the PopUp Initiative had opened premises in Ashford but this was not one of the driving forces behind the Initiative. He said that they had, however, benefitted from exposure in the business world and had received significant support from the Town Team Manager. Many, however, traded via the Internet and the longer tenancies which would now be offered would allow the Initiative to bed in for a longer period of time. In terms of the International Station, the Portfolio Holder said the future would see competitors other than Eurostar being able to operate services and therefore that was why the Council and Kent County Council were pursuing a project with Network Rail to ensure that the signalling at the Station would be able to take the next generation of high speed trains using the station.

In terms of current figures for "bedroom tax and welfare issues", the Policy and Performance Officer said that at the Cabinet meeting in May there had been a full report on welfare which had examined the whole welfare issue in detail.

A Member commented that he believed the report presented a comfortable picture and explained in his view it should be an operational document and therefore references to benchmarking and comparative data should be incorporated.

The Policy and Performance Officer advised that at the end of every performance year, he met with each Head of Service to discuss the appropriate measures to form the basis of monitoring over the next twelve month period. He said he would welcome any feedback that Members had on the future format of the report and the information it contained.

In response to a question about the electric vehicle charging points, the Policy and Performance Officer said he understood that they would have the mechanism of recording the usage of each meter, however, he could not confirm whether they were all installed and operational.

Following discussion the Committee agreed to make two recommendations to the Cabinet, one regarding Gas Safety Certificates and the other about suggested changes to the format of the Quarterly Performance Report.

Resolved:

- That (i) the report be received and noted.**
- (ii) the Cabinet be advised that the Overview and Scrutiny Committee considers that steps should be taken to ensure that all Borough Council owned properties have a current Gas Certificate.**
- (iii) the Cabinet be asked to consider the view of the Overview and Scrutiny Committee that the Quarterly Performance Report be improved by providing more comparative performance information.**

18 Future Reviews and Report Tracker

The Chairman explained that as the Committee was meeting to consider the call-in on the 11th June 2014, it was his view that as the report on sickness and absenteeism was the only item currently scheduled for the 24th June 2014 and which would be presented for information only with no presenting Officers present, this meeting should be cancelled and the sickness report be deferred to the July meeting.

The Chairman then asked the Committee whether there were any suggestions from Members for items to be considered by the Committee in 2014/15.

A Member suggested that he would like to see an update report in terms of the Portas Pilot Project for the Town Centre.

The Vice-Chairman advised that he had a number of suggestions which included the operation of 106 Agreements and Parish Council involvement; an update as to the position in terms of the Conningbrook Country Park (which is on the agenda tracker for the July meeting); an update on the operations of the two commercial companies the Council had agreed to establish; lorry parking (although he accepted that it might be sensible to wait for a report from the Truck Stop Task Group) and the Railway Museum.

In view of the lack of attendance from several Members, the Committee considered it appropriate for the suggestions made at the meeting to be considered by the Committee at the next Ordinary Meeting of the Committee in July. The Portfolio Holder for Finance, Budget Resource Management and Procurement said he wished to express a plea for caution in terms of the reviews the Committee were considering

undertaking particularly in terms of the amount of Officers' time which might be required to support those reviews. He therefore asked that when the programme was determined that it would be scheduled accordingly.

Resolved:

- That (i) the meeting of the Overview and Scrutiny Committee to be held on the 24th June 2014 be cancelled in view of the call-in meeting established for the 11th June 2014 and the sickness and absenteeism report be considered at the July meeting.**
- (ii) a list of the suggestions made at the meeting, together with any others which may be sent to the Senior Scrutiny Officer in due course, be included within the Agenda for the July meeting of the Committee.**

(KRF/AEH)

MINS:OSCX 20.05.14

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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 **11th June 2014**.

Present:

Cllr. Chilton (Chairman);
Cllr. Davison (Vice-Chairman);

Cllrs. Aaby, Apps, Bartlett, Burgess, Clokie, Hodgkinson, Mrs Hutchinson, Miss J Martin, Mrs M Martin, Mortimer, Sims, Wedgbury, Yeo.

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

Apologies:

Cllrs. Feacey, Marriott, Shorter.

Also Present:

Cllrs. Davey, Mrs Dyer, Galpin, Michael, Ovenden, Robey, Smith.

Head of Planning and Development, Policy Manager, Principal Solicitor (Strategic Development), Senior Scrutiny Officer, Member Services & Scrutiny Support Officer, KCC Major Projects Manager, KCC Head of Transportation.

31 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as he lived in Sevington, near to Junction 10.	32
Mortimer	Made a 'Voluntary Announcement' as he lived near to Junction 10, and was also the Ward Member for North Willesborough.	32
Wedgbury	Made a 'Voluntary Announcement' that he was a Member of the KCC Planning Committee. He said he would not be swayed by the view of Ashford Borough Council if an application came before KCC's Planning Committee, but would look at all the information available at that time.	32

32 Part I – Matters Referred to the Committee in Relation to Call-in of a Decision made by the Cabinet - To consider the Call-in of Cabinet Minute 397: M20 Junction 10A

The Chairman introduced this item. He said that a list of questions had been supplied by Cllr Bartlett and if any Members wished to have more information on Question 23, a pink paper was available to provide further details. However, because it would be necessary to exclude members of the public if it were discussed, he would circulate this paper at the end of the meeting if Members wished to see it.

The attending officers from KCC and ABC introduced themselves and explained their roles.

The Head of Planning and Development advised that this meeting had been called to review the decision made by Cabinet in April with regard to the J10A SELEP interim scheme. He explained that there had subsequently been developments in relation to the original full J10A scheme. Within the last week an announcement had been made that the Highways Agency Investment Board were to recommend to the Minister that the full J10A scheme was brought back into the government programme. This indicated a firm degree of commitment to the full scheme, subject to ministerial approval, which was believed to be a relative formality.

The Head of Planning and Development advised that the main issues for the Council related to guarantees regarding the delivery of the full scheme. The Council would need reassurance that there was a strong probability of the scheme being brought forward. The Council would also need clarification on how much funding would have to be provided from the private sector. The first indications from the Department for Transport were that the private funding level that was to support the SELEP scheme would be sufficient to bring forward the necessary public funding for the full scheme. He felt that it would be in the Council's best interests to maintain both schemes in case the funding for the full scheme did not materialise. In answer to a question, he clarified that the £20m available from the Local Enterprise Partnership would be considered public sector funding. He also explained that the Department for Transport had indicated that the absolute sum required from the private sector would remain the same for either the full or interim scheme.

During the ensuing discussion, the following points were covered:

- It was queried whether the Sevington East development was essential to support the interim scheme, and The Head of Planning and Development responded that there was no assumption that the Sevington East development would be necessary to fund the interim scheme. However, he could not give assurances about development contributions to the full scheme from future site allocations.
- There was concern that the full scheme would trigger larger developments, in view of the fact that the interim scheme was expected to give rise to 7,000 houses and 5,000 jobs. The Head of Planning and Development said that

there was no relationship between the size and capacity of the junction and the rate of development. The additional capacity of the full scheme would make life easier for residents throughout the Borough, but would not necessarily lead to greater housing development.

- There was a question about the implications of taking no action. The Head of Planning and Development explained that the Highways Agency would object to the Local Plan if it was considered that the strategic road network could not cope with proposed development. However, future housing numbers were not influenced by one junction alone, and the Local Plan included all types of access, including railway networks.
- It was noted that the Council was only a consultee and had no major role in making the final decision. Not all of the town's residents were concerned. One Member asked what useful action the Overview and Scrutiny Committee could take. The Head of Planning and Development acknowledged that permission for the full scheme to be constructed would be sought via a Highways Agency application to the Planning Inspectorate, which would effectively remove local decision-making. However, he pointed out that the Council was an important consultee and would need to be part of the decision making process, especially with regard to more detailed local issues. He considered the Council had a credible voice to influence the scheme, especially working together with KCC, who also wanted to achieve the full scheme.
- A Member welcomed the news about the full junction scheme, although felt that more commitment and reassurance was needed from government and was concerned that the Council would be open to challenge regarding the Duty to Cooperate. The Head of Planning and Development agreed that this was an important consideration, and the Council should consider all requests very carefully. Infrastructure was important, but there were other critical issues to be considered, such as environmental impact, employment development, availability of services, and impact on villages.
- In answer to a question about traffic flow to the William Harvey Hospital, KCC Major Projects Manager responded that more in-depth surveys would be taking place, lasting between 6-10 months, to get a full picture with regard to where vehicles were travelling to and from.
- A Member noted that the call-in meeting had originally been convened to discuss the interim scheme, but the recent press release had clouded discussion. The Council's Core Strategy stated that the Council wanted a full scheme at J10A, and it was a very different proposition to build an interim junction. The Member considered that the interim scheme failed on many levels. There were concerns with regard to increased traffic congestion on the Hythe Road approach to the M20 London bound on-slip, as well as the danger of Kingsford Street becoming a 'rat run', and that the Cabinet had moved from the agreed and accepted policy by supporting the interim scheme. The Head of Planning and Development responded that although there was no interim scheme envisaged in the Core Strategy, it was referred to in the Urban Sites Development Plan Document, which was produced after the Core Strategy. He considered that for this reason it was recognised in

Council policy. He also pointed out that the issues in relation to M20 access at Hythe Road had been dealt with in the Highways Agency's presentation earlier in the evening. KCC Major Projects Manager said that with regard to either the interim or full scheme there would be full consultation with affected residents, when both sides of the argument would be taken into consideration, and it was early days at present. The Member reiterated that the policy of the Council was a full junction, and the Urban Sites Plan should not be used as an excuse to support the interim scheme. He considered that this was such an important development issue that it should not have been agreed by Cabinet without recourse to Council. He considered that it did not reflect well on Cabinet that Overview and Scrutiny had to call-in their decision.

- Several Members considered that there was a need to understand the issues better in relation to the interim scheme, and to validate the traffic figures quoted by the Highways Agency. There was some discussion about the benefits of considering other options and the possibility of commissioning a consultant to identify and evaluate other solutions. The Policy Manager assured the meeting that many options had been considered over the years, including a flyover, tunnelling and different locations for the scheme. The full scheme had been considered the best option in terms of environmental impact, value for money and traffic management. He said it might be helpful to recirculate details of all the previously considered options for the sake of transparency and to set Members' minds at rest that all alternative solutions had been considered.
- Some Members felt that both schemes should be pursued in parallel; others that the full scheme alone should be sought.

After further debate, it was resolved that:

This Committee notes that

- (a) the interim scheme is fundamentally different from the full scheme for 3 reasons:-**
- 1 Highfield Lane**
 - 2 Hythe Road**
 - 3 Single carriageway rather than dual carriageway**
- (b) The interim scheme poses a risk to the Council because it is so different and could have a negative effect on the quality of life of the residents of the whole Borough.**
- (c) Council policy is for a full scheme at Junction 10A.**

This Committee refers the Cabinet's decision to support the interim scheme to full Council under part 4 of the Overview and Scrutiny Procedure Rules.

This Committee believes that further consideration at full Council should include the following items:-

- **Independent traffic data**
- **A report on alternative options for Junction 10A**
- **A traffic census on the impact of the interim scheme**
- **Details of compulsory purchase**
- **Details of the funding scheme**
- **Full and detailed consultation with affected residents Borough-wide (only if a planning application for the interim scheme is submitted).**

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