

## 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 **25<sup>th</sup> November 2014**.

### Present:

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

Cllrs. Bartlett, Buchanan, Clokie, Davidson, Feacey, Hodgkinson, Mrs Hutchinson, Miss Martin, Mrs Martin, Mortimer, Sims, Yeo.

In accordance with Procedural Rule 1.2 (iii) Councillors Clokie and Davidson attended as Substitute Members for Councillors Apps and Adby respectively.

### Apologies:

Cllrs. Adby, Apps, Burgess.

### Also Present:

Cllrs. Mrs Blanford, Hicks, Robey, Shorter.

Head of Community and Housing, Housing Strategy Manager, Head of Cultural and Project Services, Sports Projects Manager & Active Ashford Coordinator, Head of Planning and Development, S106 Support Officer, Policy and Performance Officer, Senior Scrutiny Officer, Member Services & Scrutiny Support Officer.

## 244 Declarations of Interest

Councillor	Interest	Minute No.
Chilton	Made a 'Voluntary Announcement' as he was a Trustee of the Volunteers Bureau	248
	And	
	Made a 'Voluntary Announcement' as he was a School Governor at Beaver Green Primary School.	247
Davison	Made a 'Voluntary Announcement' as he was a past Chairman of the Julie Rose Stadium Trust.	246
Feacey	Made a 'Voluntary Announcement' as he was the Chairman of the Ashford Volunteers Centre	248
	And	
	Made a 'Voluntary Announcement' as his son	248

worked for Social Services

And

Made a 'Voluntary Announcement' as he was the Chairman of Repton Park Community Centre 248

And

Made a 'Voluntary Announcement' as he was on the Quality Business Partnership 248

And

Made a 'Voluntary Announcement' as he was on the Management Committee of UK LPG 248

And

Made a 'Voluntary Announcement' as he was a member of Maidstone Canoe Club 246

## 245 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 21<sup>st</sup> October 2014 be approved and confirmed as a correct record.**

## 246 Update on Conningbrook

The Chairman opened up this item for discussion, and the following points were raised:

- A Member said she felt this item should be deferred, as the report had not yet been discussed at the Conningbrook Working Group. The Chairman explained that the Overview and Scrutiny Committee had asked for this item to be put on the agenda, and since Officers and the Portfolio Holder were in attendance for the item, he proposed that it should go ahead.
- The Head of Cultural and Project Services acknowledged that there had been delays with the project, but these had been out of the Council's hands. He said the report gave an update on progress and the range of issues to be covered by the early works. In response to concerns about health and safety, he said that six different groups of individual bodies were involved in the ongoing health and safety of the project, and this issue was taken very seriously.

- One Member said he considered that the wishes of the Conningbrook Working Group had been largely ignored. The Head of Cultural and Project Services responded that the report reflected a steer from the Conningbrook Working Group. He assured Members that the contractual details had been discussed by the Working Group, and input from the Working Group had informed the three operators' contracts. Another Member said he was not happy that this report had come to the Overview and Scrutiny Committee without being discussed by the Conningbrook Working Group first. The Head of Cultural and Project Services stressed that all the work by the Working Group had fed into the current report. He considered the Working Group still had an important task to do, and he would be attending their meeting on 1<sup>st</sup> December to update the Group on progress. Another Member observed that the report was intended to be considered by the Working Group prior to coming to Overview and Scrutiny, but the Working Group meeting had been cancelled, and thus the opportunity for the Working Group to discuss the report prior to O&S had passed by.
- A Member said this project provided a unique opportunity to develop a leisure water sports facility. He expressed concern that the Conningbrook Working Group had not been consulted, and that the project was running late. He was also concerned that there was no specialist management in place in relation to water sports activities. He was disappointed that there were no specific rowing activities as three Olympic medallists lived within ten miles of the venue. He considered that this was a nation of water sports enthusiasts and argued that water sports clubs needed to be established at the lake. He said that the gap on the bund should be widened otherwise there could be dangers when both lakes were in use, and the pontoon siting needed careful consideration. He also said that Members should have been more involved in developing the contracts with the three management operators.
- In response, the Sports Projects Manager said he had recently attended the interview process for the Ashford Leisure Trust Conningbrook Park and Stadium Manager. He assured Members that the six candidates had a wealth of appropriate experience of water and dry side activities, and that the individual who had finally been successful had enthusiasm, experience and passion for water sports and athletics. The Council would be working closely with ALT and the individual to ensure that all necessary policies and procedures were in place and closely followed. The Head of Cultural and Project Services said that with regard to the spit on the lake, work to remove a large part of this was included in the works specification, and he assured Members that it was being dealt with as agreed by the Conningbrook Working Group. Regarding clubs on site, he said the initial focus would be on existing water based clubs in Ashford, who would be established as founder members. Landscaped storage containers would be provided to meet the needs of these clubs, as they had requested, until permanent facilities were provided with the S106 funding. ABC was working with British Rowing and both were committed to developing a rowing club at the lake in partnership. This would happen in due course, once public health and safety had been established and the early operation of the site had bedded in. The Sports Projects Manager confirmed that discussions had been taking place with a view to arranging a range of water sports training events. The Head of Cultural and

Project Services said that all facilities to be installed were fully compliant with disabled access, including the pontoon and launch facilities which included a disabled hoist.

- A Member expressed the view that these were matters for the Conningbrook Members Working Group and commented that the Members and Officers had made good progress and that this should continue.
- A Member expressed concern about the containers to be provided for the clubs and questioned whether one of the Council owned properties near the lake could be used as a changing facility instead. The Head of Cultural and Project Services responded that it was the long term intention to have quality changing rooms, but in the early stages the clubs had indicated that they were content to use the containers which would be located close to the water and the disabled vehicles turning/parking area. The S106 contributions from the housing development would be used towards a water sports changing facility in due course. The Head of Community and Housing advised that the two Council owned properties near the lake were part of the General Fund, rather than the Housing Revenue Account, and there were potential plans to use the properties for other purposes. The planning permission for the Park included the conversion of the Conningbrook Barn to a family restaurant/pub and discussions had taken place to consider the potential.
- Several Members expressed concern over the pinch point in the Willesborough Road, and the fact that KCC appeared to be no further forward in resolving the problem. The Head of Cultural and Project Services said that with the considerable efforts of Planning colleagues in ABC, and the continued support from the Joint Transport Board, the Conningbrook development would push KCC into positive action, and having consulted with KCC Highways he anticipated that KCC would undertake highway improvements to the Willesborough Road next year.
- In response to a previous comment, The Portfolio Holder said the delays in the progress were caused by legal issues between the Council's partners. She confirmed that many project details had been discussed at the Conningbrook Working Group in July, and that Officers were now working on the agreed details which were considered and approved by the Working Group and confirmed by Cabinet. She also confirmed that the Working Group would continue to provide input into the next phases of the project. She clarified that KWT would be working on improving the ecology and conservation of the wildlife site and lake and she hoped for a low key public opening in spring 2015, followed by a larger gala opening in summer.
- One Member commented that the site appeared to be morphing into a huge activity area. He questioned how many clubs could be catered for and whether the various activities, including angling casting, would create a dangerous situation on the water. The Head of Cultural and Project Services responded that a safe activity programme and separation would be established and managed to ensure safety on the water. He confirmed that the third northern lake was likely to be used as a family fishing area, with the main lake being restricted to specialist carp fishing, mainly at night, when no

other sporting activities would be taking place.

- A Member questioned whether the facility was to be focused on serious sport or used as a general public leisure amenity. Another Member agreed that the original focus had been to provide a general leisure facility, rather than a specialist sporting facility.

**Resolved:**

**The Overview and Scrutiny Committee noted that this report would be going to the Conningbrook Working Group on Monday 1<sup>st</sup> December for further discussion.**

## **247 The Use of S106 Agreements and Affordable Housing Delivery**

The Chairman opened up this item for discussion, and the following points were raised:

- In response to a question regarding the cessation of the Mortgage Rescue Scheme, the Housing Strategy Manager explained that this Government initiative had closed, and that the Help to Buy Scheme was now enabling people into home ownership.
- The Head of Planning and Development advised that there had been a recent relaxation of permitted development rights which meant that private developers who converted offices to flats would not be obliged to provide affordable housing. He also confirmed that income from S106 agreements on large projects could be re-spent on alternative ways of tackling the impact of development if provision for this was made when the agreement was written.
- In response to a question, the Head of Planning and Development gave a short explanation of the difference between S106 income and CIL. S106 contributions would continue but would be largely restricted to use on the relevant development site. CIL was envisaged as a roof tax, with per dwelling contributions, and could be potted and reserved to pay for strategic off-site contributions.
- A Member asked why the Council still relied on housing associations to provide suitable properties and did not purchase more of their own properties for affordable housing. The Head of Community and Housing advised that there was a cap on the Housing Revenue Account which limited borrowing, and the HRA was at its debt cap. Normally it was only Registered Providers who could buy property for affordable housing.
- In response to a question about the shortfall in affordable housing, the Housing Strategy Manager said that the rural areas still had a high need for affordable housing. The amount of affordable housing available at present did not meet identified needs due to smaller and fewer sites coming forward in rural areas. It was anticipated that the overall figure for affordable housing in

the Borough would improve as a result of planned larger developments and their S106 agreements, with a number of housing association developments due to be completed by March 2015. The Head of Planning and Development advised that there had always been a problem meeting housing needs in the Borough, due to viability and changes around how infrastructure and facilities needed to support development were funded. More recently the burden of funding had been placed on developers and landowners, with the result that – coupled with the economic downturn – viability issues were an increasingly common issue.

- One Member expressed his concern at the amount of schemes not providing affordable housing on the grounds of lack of viability. He considered that some local authorities were not holding developers accountable for affordable housing and S106 obligations and asked what ABC were doing about this problem. He considered that delayed contributions should be sought on successful developments. In addition, he said that the building trade was currently a highly profitable business and Planning Committee should not accept any excuses from developers and should take a more robust approach towards S106 contributions. He felt that the developers at Chilmington Green had ‘bamboozled’ Planning Committee and more due diligence was needed in future. The Head of Planning and Development said he accepted that viability appraisals could never be a precise science, although ABC had an excellent track record in extracting contributions in comparison with other authorities in the county. ABC took independent advice on viability issues from a professional advisor with extensive market experience. He confirmed that the Council had in fact been using a ‘deferred contributions’ mechanism of the sort the Member mentioned since 2009 and that especially on green field sites this was beginning to deliver deferred contributions as the market rose. It was hoped that this would also be the case at Chilmington Green. He said that Chilmington Green contributions were based on a fixed profit margin that was accepted as the industry norm. He would be happy to share the details with the Member and put him in touch with the viability consultant. A Member warned that if ABC were too robust with developers, those developers might look outside the Borough for further opportunities. The Portfolio Holder for Planning and Development confirmed the expectation that the Chilmington Green development would deliver 30% affordable housing over the entire scheme, although the phasing may vary.
- A Member expressed concern about the education element of S106 agreements and cited a problem at a local school where contributions did not appear to have been spent on the school. The Head of Planning and Development explained that KCC made an assessment and paid contributions based on the level of demand predicted for new school places. For primary schools KCC were required to spend contributions within two miles of the development site. He suggested that if the Committee was concerned it could seek further advice from KCC about how primary school contributions had been used.
- In response to a question regarding top slicing S106 contributions in favour of affordable housing, the Head of Community and Housing advised that the

Planning Policy Task Group would consider this issue as the Local Plan came forward.

- The Head of Planning and Development clarified how ABC handled S106 contributions. He explained that the contributions were initially decided by Planning Committee. Once agreed, the S106 Monitoring Officer checked that payments had been made and ensured that client departments spent the payments correctly. He said this system was working well in terms of the Council's use of funds, although it was harder to be as clear about how other agencies responsible for spending funds were doing so.

**Resolved:**

**That Kent County Council be invited to attend Overview and Scrutiny Committee and explain:**

- i) when there is a development that will generate a S106 contribution, how they assess the need for school places from that development;**
- ii) when they have the money, how do they allocate it to meet the needs for facilities for students arising from the development/across the Borough.**

## **248 ABC Business Plan Performance Report Q2 2014-15**

The Chairman opened up the item for discussion and the following points were raised:

- The Policy and Performance Officer advised that the average figure of 264,000 visitors to the town centre in July and August was the average figure per month. The figure for September was 315,000.
- One Member commented that there were quarterly as well as monthly figures, and this could create confusion. The Policy and Performance Officer agreed that all future reports would make it clearer what timeframe each figure related to. He clarified that the figure for car parks was based on quarterly statistics.
- A Member commented that the emphasis should be on trends, rather than the figures themselves.
- One Member raised the issue of jobs and economic growth. He said the rent for shops was not always in the control of ABC. He suggested that ABC could join forces with other Councils to lobby for a reduction in NNDR as business rates were often too high for the business to be viable. He also noted that some car parks were half empty every day. He questioned whether reducing the ticket price or providing cheap permits would help make them more widely used. The price was currently reduced on Sundays, which should increase use of car parks. Another Member noted that the NCP car park under County Square was extensively used, and a void comparison of all town centre car parks could be useful. The Policy and Performance Officer said he would make further enquiries.

- There was a request for the next quarter's Performance Report to include information on how many jobs had been created, including actual figures employed and newly employed. Figures for self-employment might also be useful.

**Resolved:**

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

## **249 Future Reviews and Report Tracker**

It was agreed that the report dating back to July 2008, entitled 'Effectiveness of a Single O&S Committee', should be removed from the Tracker.

The December Overview and Scrutiny Committee agenda would include items on the Portas Pilot Project and Focus 2015.

The Chairman reminded Members that they should contact the Senior Scrutiny Officer if they wished items to be added to the Tracker.

**Resolved:**

**That the Tracker be received and noted, subject to the amendments discussed above.**