

**Agenda Item No:** 4  
**Report To:** **Selection and Constitution Review Committee**



**Date of Meeting:** 8<sup>th</sup> December 2016

**Report Title:** **Chilmington Green Development – appointment to the Chilmington Green Community Management Organisation (CMO) Partnership Working Group**

**Report Author & Job Title:** Paul Naylor  
Deputy Chief Executive

**Summary:** In anticipation of the Chilmington Green development Section 106 Agreement being completed and fully signed early next year and consent issued, this report seeks approval to nominate a councillor to the Chilmington Green Community Management Organisation Partnership Working Group (PWG).

**Key Decision:** Not applicable

**Recommendations:** **The Selection and Constitution Review Committee is recommended to agree that Councillor Neil Shorter be nominated as the Borough Council’s representative to the Chilmington Green Community Management Organisation Partnership Working Group for the period up to the formal creation of the community management organisation.**

**Policy implications:** A community management organisation for the new Chilmington Green development is an important policy and planning principle for the council. Ultimately this new organisation will take responsibility for securing effective arrangements to manage and maintain open spaces and a large amount of endowed assets. The council helping to create a sound and sustainable organisation is also a key policy objective.

**Financial and legal implications:** The council has previously agreed to create a small project team to assist with this work and also has set aside reserves to contribute to the first phase of creating the CMO. Developer contributions to support this will flow in due course. The council also received government funding to assist with this work and other aspects of the planning phase for Chilmington Green.

A Section 106 agreement is largely complete and is now in

the final stages awaiting final agreements before it may be signed by all parties. The Section 106 covers in some detail the requirements for the creation and ongoing funding of the community management organisation.

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## **Report Title:** Chilmington Green Development – appointment to the Chilmington Green Community Management Organisation (CMO) Partnership Working Group

### **Background**

1. The creation of a Community Management Organisation (or CMO) to take responsibility for long-term stewardship of endowed open spaces and community assets is a council policy principle and requirement embedded in the Chilmington Area Action Plan and subsequent outline planning approval for the Chilmington Green development. Details covering its governance arrangement, objects, terms of reference, areas of responsibility and funding principles are all contained in the draft Section 106 following negotiation and agreement between the council and the developer consortium.
2. Before a formal CMO is constituted it is a requirement that the developer consortium work in partnership with the council and nominated local stakeholders to work up the arrangements to implement the creation of the CMO, including its operational arrangements. The arrangement for this is the CMO Partnership Working Group (PWG). This is preferred, rather than leave this responsibility entirely for developers.
3. To support this process the developers are to make a financial contribution and their own resources available to work in partnership with the council's small project team that has been created to assist. Supported by a financial investment from the council also, this partnership process is designed to achieve the creation of a sound and sustainable community management organisation, that not only is effective in managing and fulfilling its functional responsibilities, but one that also has genuine local ownership and gains the high confidence of residents and stakeholders.
4. Constitutionally (within draft Section 106 agreement) the PWG is an advisory group to the developer consortium, as the creation of the CMO remains their responsibility. The consortium must, before above ground construction works (i.e. commence housebuilding) have prepared and submitted the CMO's first comprehensive business plan to the local planning authority. The council must then approve the plan before the CMO is constituted and any occupations occur. This is quite a task in the timescale (though advance work is being undertaken) but achievable nevertheless with good co-operation between the consortium and local stakeholders, including the council.
5. A membership arrangement for the PWG has been agreed and comprises:
  - The developer consortium (its chair)
  - Ashford Borough Council (see below)
  - Kent County Council (County Councillor Charlie Simkins has been nominated and accepted by the consortium)
  - A single representative of the three parish councils covering the development area – Kingsnorth, Great Chart with Singleton, and Shadoxhurst (the

chairman of Great Chart with Singleton Parish Council has been nominated by the three parish councils and accepted by the consortium)

- A representative of the voluntary and community sector (The Reverend Tim Wilson, Great Chart parish) has been nominated and accepted by the consortium

### **Role of the Partnership Working Group**

6. Its role is defined in the draft Section 106 agreed in principle by all parties and is as follows:

“A working group of persons drawn from the entities [see para 5 and below]...whose function pending creation of the CMO is to assist the Consortium Members in an advisory capacity

- a) With the production of the CMO Operating Business Plan by the Consortium Members pursuant to [the submission obligation in the Section 106 – that is not to carry out a Material Operation unless and until the business plan is submitted to the council for approval]
- b) Contributing towards the creation of the CMO as an organisation
- c) Liaison with the consortium members the local community the parish councils within the site the borough council the county council pending creation of the CMO as an entity
- d) Inputting to the detailed design of any non residential building or facilities that are due to be transferred to the CMO in respect of such buildings and/or facilities [to be transferred] made prior to the creation of the CMO
- e) Holding workshops for the local community pending creation of the CMO as an entity

“That pending creation of the CMO the consortium members shall convene and hold monthly meetings of the PWG at the offices of ABC or such other local venue and frequency as may be otherwise unanimously agreed between the Council and the Consortium.

“That the consortium members shall invite the following bodies to send one representative to PWG meetings at least 10 working days in advance:

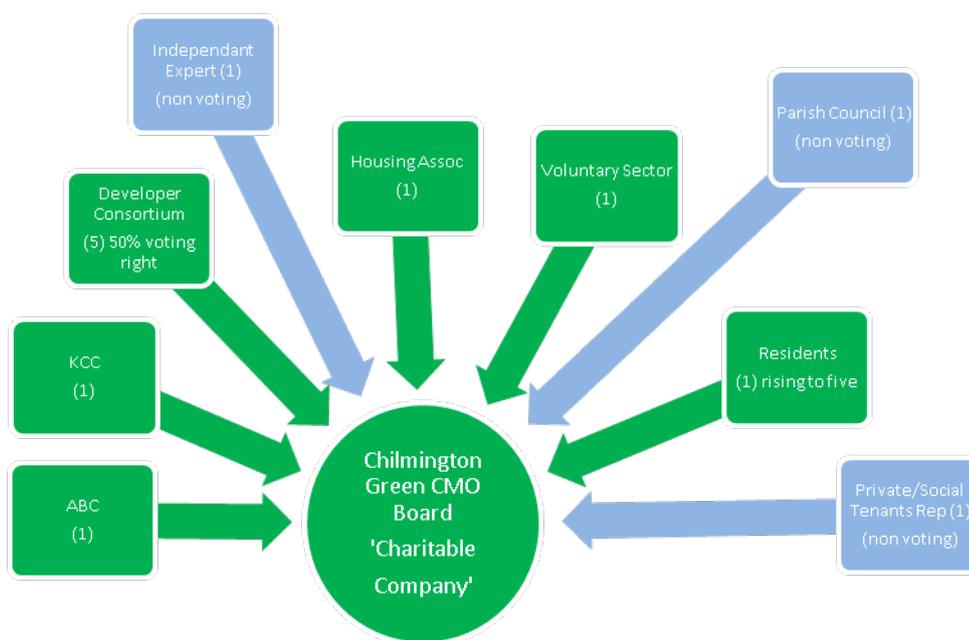
- f) One [borough] council member [that is councillor] who may be supported by senior officer(s)
- g) One representative of the county council (to be nominated by the county council) who may be supported by senior officers
- h) One representative of all the parish councils within the site together (to be nominated by the parish councils)
- i) and one representative of the voluntary sector

“That the [PWG] shall be advisory only but shall keep and circulate minutes of its meetings and record areas of agreement and disagreement of those attending

“That the meetings of the [PWG] will be chaired by the consortium and are to be held in private, with ten days notice of any meeting...and notes of such meetings will be kept which shall be made available to the public by the council on receipt of a request to do so subject to lawful redaction... and [observing] the [law].”

7. PWG will have a limited lifespan as its focus is on the detail of work to create a formal CMO. Once the CMO is established the PWG is defunct (the CMO must be created and functioning before first occupations). Trustee directors will be appointed to the CMO during the course of next year with the following allocation of representatives:

**CMO Board Structure (note there is to be no single controlling party – non developer representatives always will hold 50% voting right - and no casting vote. Resident representation will grow over time and at the end of development the CMO will become resident led. The CMO will adopt various channels and forums for engagement to ensure residents input is maximised)**



### **Borough Council PWG representative**

8. Following consultation with the Leader of the Council, Councillor Neil Shorter is proposed for nomination as the Borough Council’s representative for the purpose of the Partnership Working Group phase. Councillor Shorter previously was the

Council's lead member and chair of the former Chilmington Green CMO Advisory Group (a council group established to work with the developers and local stakeholders on the policy phase of the CMO concept prior to the outline planning approval in October 2014). Councillor Shorter is also a ward member covering part of the development and has extensive local knowledge and insight of local matters, as well as awareness for the development objectives.

9. An informal meeting of representatives has occurred to brief people of progress, the roles, and the work plan; triggering the formal set up of the PWG is the consortium's responsibility. They remain keen, however, to trigger commencement at the earliest opportunity and before final sign-off of the Section 106 agreement occurs (now likely in the New Year). Hence this request is being made at this time in anticipation of a Partnership Working Group start in the next few weeks.

#### **Recommendation:**

**That the Selection and Constitution Review Committee agrees that Councillor Neil Shorter be nominated as the Borough Council's representative to the Chilmington Green Community Management Organisation Partnership Working Group for the period up to the formal creation of the community management organisation.**

#### **Contact and Email**

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