



## COUNCIL

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Thursday, 5th March, 2020 at 7.00 pm.

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### Agenda

#### Page Nos..

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| 9. | <b>To receive, consider and adopt the recommendations set out in the Minutes of the Meeting of the Cabinet held 27th February 2020 with the following exception - The recommendations of the 27th February meeting regarding the item 'Budget 2020/21 be deferred for consideration with Agenda item No. 10</b> | 1 - 10 |
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## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **27<sup>th</sup> February 2020**.

### Present:

Cllr. Clarkson (Chairman);  
Cllr. Bartlett (Vice-Chairman);

Cllrs. Barrett, Bell, Buchanan, Clokie, Feacey, Forest, Pickering, Shorter.

### Apologies:

Cllrs. Burgess, Chilton.

### Also Present:

Cllrs. Harman, Hayward, Iliffe, Krause, Mulholland, Ovenden, Pauley, Spain, Sparks, C Suddards.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Corporate Property and Projects, Head of Planning and Development, Head of Finance and IT, Head of Corporate Policy, Economic Development and Communications, Commercial Development and Regeneration Manager, Cultural Projects Manager, Economic Development Manager, Senior Accountant (LF), Senior Accountant (MH), Senior Communications Officer, Play and Open Spaces Project Officer, Governance and Data Protection Officer, Member Services Manager (Operational).

## 311 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 30<sup>th</sup> January 2020 be approved and confirmed as a correct record.**

## 312 Leader's Announcements

The Leader advised that the Council was working extremely closely with all partners in monitoring the situation regarding the Coronavirus. There was currently no cause for alarm, but the Council would be in a position to act if necessary. He also advised that earlier that day the Government had announced the Housing Benefit Awards Accuracy Indicator, which measured the payment of the right amount of benefit, at the right time to the right person. This had indicated that Ashford Borough Council was the highest performing Local Authority in the South East and the third highest in

the country. This was very good news and thanks should be given to the team for their hard work in implementing the current systems for the benefit of the people of the Borough.

The Leader said that he also wanted to publicly mention that, following the vacancy left by the election of Councillor Jo Gideon as a Member of Parliament, there was now a need to appoint a replacement to Cabinet. Councillor Gideon had been the Cabinet Member for Community Safety and Wellbeing, and had served with distinction in that most important role. He was now extremely pleased to report that Councillor Peter Feacey, the Cabinet Member for Culture, Tourism and Leisure, had agreed to accept a move across to the Community Safety and Wellbeing Portfolio and he was sure that all would wish Peter well in this new and challenging appointment. He was also delighted to appoint Councillor Matthew Forest to the Cabinet with the Portfolio for Culture, Tourism and Leisure. This was an equally important Portfolio that had a special resonance with the electorate and all who either worked in or visited Ashford. He was sure that all would join him in congratulating Matthew and wishing him well with the challenges he now faced in his new Cabinet role. He was certainly most warmly welcomed to this Cabinet.

### **313 Report of the Overview and Scrutiny Budget Task Group**

The Overview and Scrutiny Budget Task Group had scrutinised the Council's draft 2020/21 budget over four meetings and had regarded it as sound and deliverable. The Task Group had made a number of recommendations that they believed would assist in managing any risks within Services in the coming year.

The Leader and Portfolio Holder both thanked the Task Group for a good and meaningful piece of work and confirmed that the Cabinet fully accepted all six recommendations. The Chairman of the Task Group thanked Officers for the quality of the information they had been provided with and the Cabinet Members who had attended the meetings and made the process a success. He believed the Task Group had made some pragmatic suggestions and was pleased to see that they were going to be taken forward.

#### **Resolved:**

- That**
- (i) the service contingency be increased by £150,000, bringing the total service contingency to £350,000, to address any potential budget pressures that could arise in the planning service.**
  - (ii) the Cabinet ensures the programme for digital transformation sets aside dedicated resource to implement new ways of working in the planning service.**
  - (iii) it be noted that the Task Group is satisfied that the budget for the Corporate Property portfolio is sound and deliverable.**

- (iv) **it be noted that the Task Group had considered the Council's proportion of the Council Tax, including the increase of £5.00 and believe this to be sound.**
- (v) **it be noted that the Task Group endorses the approach to closely monitor the number of days offered for rent collection for universal credit users.**
- (vi) **the Head of Finance and IT reviews having more than one collection date for Council Tax.**

## **314 Revenue Budget 2020/21**

The report presented the final Draft 2020/21 Budget which would be recommended to the Full Council for approval. The Budget had been built with a lack of certainty over long term Government Funding as the Government's fair funding and spending review had been deferred to 2020/21, resulting in a one year settlement only. There was also some economic risk as the UK left the European Union and entered the transitional stage of the arrangement. The budget had also been built to support the current activities of the Council and represented the final year of the 2015-2020 Corporate Plan. The report also covered the Housing Revenue Account (HRA) which included an increase in rents of CPI + 1% and reflected the business plan presented to the Cabinet in October as well as a number of strategies and framework documents for consideration.

The Portfolio Holder for Finance and IT introduced the report and directed Members' attention to the tabled paper which included an amendment to the net budget requirement figure in recommendation (ii), and detailed the comments of those who had responded to the budget consultation. He also drew particular attention to the tables on pages 52 and 54 of the report. He advised that the budget proposed a £5.00 rise in the Borough's annual Council Tax requirement which would still comfortably leave Ashford as the lowest of any Kent District. He thanked all involved in putting the budget together which included huge amounts of Officer hard work, formal scrutiny and consultation.

The Portfolio Holder for Housing commented on the HRA which had again set an ambitious programme for the coming year. He was pleased to see the proposed increase in rents of CPI + 1% as these had been frozen for a number of years and the increase would assist the HRA greatly.

### **Resolved:**

- That**
- (i) **the budget context be noted.**
  - (ii) **the Chief Finance Officer be delegated powers to establish local discounts in Business Rates in accordance with government policy.**
  - (iii) **the summary of reserves at Table 6 and Appendix C of the report be noted.**

- (iv) the Equality Impact Assessment at Appendix E to the report be noted.
- (v) the Housing Revenue Account budget for 2020/21 be approved.
- (vi) the estimated average rent increase of CPI + 1% (2.7%), in accordance with government guidance, be approved, and that rent setting for the future continues to follow government guidelines.
- (vii) the Capital Plan 2019/20 to 2022/23 at Appendix G to the report be approved.
- (viii) the Risk Based Verification policy, as outlined in Appendix L to the report, be approved.
- (ix) the ABC Exceptional Circumstances Policy, as outlined in Appendix M to the report, be approved.
- (x) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves, at Appendix N to the report, be noted.

**Recommended:**

- That
- (i) the Revenue Budget 2020/21, including the net budget requirement of £15,967,490 (excluding Parish Precepts), be approved.
  - (ii) the level of Discretionary Fees to be levied from 1<sup>st</sup> April 2020 (as set out in Appendix D to the report) be approved.
  - (iii) all profit from garage sales to the general fund be earmarked to enable investment and renovation of existing let sites.
  - (iv) Band D Council Tax be set at £167.50.
  - (v) the 2020/21 Capital Strategy (as set out in Appendix H to the report) be approved.
  - (vi) the MRP Policy (as set out in Appendix I to the report), the Treasury Management Strategy Statement (at Appendix J to the report) and the Investment Strategy (at Appendix K to the report), be approved.

## **315 Financial Monitoring – Quarter 3 Report**

The Portfolio Holder introduced the report which presented the forecast outturn for 2019/20 based on information available at the end of December 2019. The Quarter 3

forecast projected a deficit of £150,000 for the General Fund at year end (which had reduced from £292,000 at Quarter 2 (a reduction of £142,000). This showed that Services had responded well to previously reported budget pressures. A full list of movements since Quarter 2 was shown at Table 2 at a service level. The Housing Revenue Account (HRA) was forecasting an overspend of £452,000 for the year, broadly in line with the Quarter 2 forecast.

**Resolved:**

- That**
- (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
  - (ii) the Capital Monitoring update, including Exempt Appendix B, and the Treasury Management position, be noted.**
  - (iii) the disposal of the Uprising Youth Vehicle be noted.**

### **316 Corporate Performance Report – Quarter 3**

The Portfolio Holder introduced the report which summarised performance against the Council's suite of Key Performance Indicators (KPIs) for Quarter 3 (1<sup>st</sup> October to 31<sup>st</sup> December 2019). The KPIs linked into the delivery of the Council's Five Year Corporate Plan and key developments towards this that had occurred over the same period were summarised within the report.

**Resolved:**

**That the performance data for Quarter 3 2019/20 be received and noted.**

### **317 Tenterden Leisure Centre Procurement**

The previous Portfolio Holder for Culture, Tourism and Leisure introduced the report which advised of the opportunity to accept the early surrender of Tenterden Leisure Trust's lease for Tenterden Leisure Centre. This would enable the Council to lead a procurement exercise to appoint a leisure operator in readiness for when the current contract with Serco Leisure expired on 31<sup>st</sup> March 2021. The report also proposed an investment proposal for the Centre to be considered as part of the procurement exercise via prudential borrowing.

The previous Portfolio Holder said he wanted to publically thank Tenterden Leisure Trust for their service, hard work and dedication over the years. He believed the Council and the public owed those involved a real debt of gratitude.

**Resolved:**

- That**
- (i) the early surrender of Tenterden Leisure Trust's lease for Tenterden Leisure Centre be accepted, on terms to be agreed in a Memorandum of Understanding and an appropriate Surrender Lease between the Council and the Trust.**

- (ii) a procurement exercise with associated costs and responsibilities be agreed so that a new contract can be entered in to for 1<sup>st</sup> April 2021.
- (iii) a cost neutral or more favourable package be agreed by the Council within the procurement exercise. Authority be delegated to the Head of Finance and IT, in consultation with her Portfolio Holder, to agree appropriate arrangements to facilitate the new contract.
- (iv) authority be delegated to the Heads of Corporate Property and Projects and Culture, Tourism and Leisure, in consultation with their respective Portfolio Holders, to agree relevant procurement documentation and contracts to give effect to the above.

### **318 Brisley Farm and Singleton Environment Centre New Multi-Purpose Community Facility**

The previous Portfolio Holder for Culture, Tourism and Leisure introduced the report and clarified that Great Chart with Singleton Parish Council, rather than Singleton Spaces, had developed a project to provide a community space for Brisley Farm residents and to increase the classroom capacity at the Singleton Environment Centre due to exceptional demand. Along with the Ward Member for Roman Ward, they had requested that the Section 106 sum of £133,200 originally earmarked as a contribution to the cost of a community centre for nearby Brisley Farm, be used for this project.

The Portfolio Holder for Housing, who was also Ward Member for the Singleton Environment Centre, praised the project and said that this would be excellent for local residents and was testament to what a hardworking and professionally run Parish Council could do for its residents.

The Ward Member for Roman Ward said that this project had been mentioned to her immediately following her election. There had been full and thorough consultation with local residents and they were delighted that there would be a positive outcome from these S106 monies.

#### **Resolved:**

- That
- (i) **£133,200 Section 106 funding be allocated to Great Chart with Singleton Parish Council to fund the provision of a new community facility at Singleton Environment Centre as described in the body of the report.**
  - (ii) **the Director of Law and Governance be authorised to execute and complete all necessary documentation to give effect to recommendation (i) above, including a funding agreement with the Trust.**

- (iii) **the Head of Corporate Property and Projects be authorised, in consultation with his Portfolio Holder, to agree revisions to the lease with the Trust.**

### **319 Conningbrook Lakes Country Park Delivery Works**

The previous Portfolio Holder for Culture, Tourism and Leisure introduced the report which sought Cabinet endorsement of the proposed delivery plan for the next phase of infrastructure works within Conningbrook Country Park. It also sought authority to forward-fund those works and advised that other related infrastructure projects for the Park were under development.

It was agreed that consultation with the Portfolio Holder for Culture, Tourism and Leisure should be added to recommendation (iv).

#### **Resolved:**

- That
- (i) **the delivery schedule for the Park infrastructure as outlined within the report be agreed.**
  - (ii) **the use of S106 allocations of £1.625m from the Housing development (H1) at Conningbrook Lakes be forward funded to facilitate the Country Park infrastructure works.**
  - (iii) **the use of 18 smaller Strategic Park S106 contributions that are designated for Conningbrook Lakes Country Park, as they are collected to support further relevant project costs, be agreed.**
  - (iv) **authority be delegated to the Head of Finance and IT, in consultation with her Portfolio Holder and the Portfolio Holder for Culture, Tourism and Leisure, to agree a financial strategy to facilitate the works described in the report, including a maintenance contribution.**

### **320 Statement of Community Involvement - Update**

The Portfolio Holder introduced the report which advised that an update to the Statement of Community Involvement (SCI) was required every five years or prior to the formal examination stages of Development Plan Documents. The SCI set out how the Planning Department would engage and consult with the community through both the plan making and planning application processes. Updates had been made to the document in accordance with revised legislation and the changing function of the Planning Service, with regard to community planning issues and cooperation with other public bodies.

The Portfolio Holder said he wanted to particularly mention the report author who was a young Planning Officer. The document was a quality one, which had been

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extremely well written and bode well for the Planning Department's future ambitions to "grow its own" staff.

**Recommended:**

**That the content of the updated Statement of Community Involvement be agreed and adopted.**

### **321 Compliance and Enforcement Board – Notes of 28<sup>th</sup> January 2020**

**Resolved:**

**That the Notes of the Meeting of the Compliance and Enforcement Board held on the 28<sup>th</sup> January 2020 be received and noted.**

### **322 Economic Regeneration and Investment Board – Notes of 29<sup>th</sup> January 2020**

**Resolved:**

**That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 29<sup>th</sup> January 2020 be received and noted.**

### **323 Schedule of Key Decisions to be Taken**

**Resolved:**

**That the latest Schedule of Key Decisions as set out within the report be received and noted.**

### **324 Elwick Road Development**

The Portfolio Holder introduced the report which set out a proposal to enter into an agreement with Stanhope PLC to bring their development rights for all remaining phases to an end. The Development Agreement (DA) with Stanhope PLC was in place when the site was purchased from the Homes and Communities Agency (now Homes England) in 2015. All phases of the development, of which there were currently three, were subject to the rights and obligations of this agreement. The report sought authority for Cabinet and Council to negotiate the termination of the rights of Stanhope PLC under the DA and bring the unfettered site solely within the Council's control.

**Recommended:**

- That (i) due diligence be completed to the satisfaction of the Chief Executive, in conjunction with the Leader of the Council and the Portfolio Holder.
- (ii) Officers negotiate the termination of the development agreement with Stanhope PLC, releasing them from their obligations for the remaining phases up to a maximum cost as set out in Exempt Appendix A to the report.
- (iii) the use of the undeveloped land be approved in the short term as a temporary car park, once the termination agreement has been completed.
- (iv) the capital cost of extending the current car park boundary of £200,000 be agreed.
- (v) the Director of Law and Governance be authorised, in conjunction with the Head of Corporate Property and Projects, to execute and complete all necessary documentation to give effect to the above.

### **325 Exclusion of the Public**

**Resolved:**

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to the relevant Paragraph of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Minute No.</b>	<b>Agenda Item Title</b>	<b>Relevant Paragraph of Schedule 12A</b>
326	West Kent and Ashford College Update	3
327	Strategic Acquisition	3

### **326 West Kent and Ashford College Update**

The Portfolio Holder introduced the exempt report which updated the Cabinet on the current situation with West Kent and Ashford College and the Council's financial agreements with the College.

**Resolved:**

- That (i) the contents of the report be noted.**
- (ii) the Chief Executive be authorised, in consultation with the Leader of the Council, including involvement in meetings referred to in Paragraph 28 of the exempt report, and with further consultation with the Portfolio Holders for Finance and IT and Corporate Property and Projects, and the Directors of Finance and Economy and Law and Governance, to agree terms in relation to the future transfer, conversion or removal of the outstanding loan in the interests of seeking to secure the future provision of a College facility.**
- (iii) the final resolution be reported back to Cabinet at the earliest opportunity.**

### **327 Strategic Acquisition**

The Portfolio Holder introduced the exempt report which sought authority for the Council to make a strategic purchase as outlined in the exempt papers.

**Recommended:**

- That (i) the purchase as outlined in the exempt report be agreed.**
- (ii) the Director of Law and Governance be authorised, in conjunction with the Head of Corporate Property and Projects to execute and complete all necessary documentation to give effect to the above.**

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