

**Corporate Director (Law and Governance) and
Monitoring Officer, T W Mortimer LLB Solicitor** C



ASHFORD
BOROUGH COUNCIL

COUNCIL

Notice of a Meeting, to be held in the Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL on Thursday, 3rd March, 2022 at 7.00 pm.

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24th February 2022.**

Present:

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

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

Also Present:

Cllrs. Burgess, Harman, Sparks.

In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Finance and IT, Head of Corporate Property and Projects, Economic Development Manager, Accountancy Manager, Compliance and Data Protection Manager, Senior Communications Officer, Member Services Manager.

290 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he lived close to the Sevington Inland Border Facility	298

291 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 27th January 2022 be approved and confirmed as a correct record.

292 Leader's Announcements

The Leader said that whilst he had no particular announcements this evening, he did want to reflect on the recent storms. Many areas had experienced power cuts and he had also been surprised at how much of the mobile phone network had been affected. He thought the Council's own systems had held up tolerably well and he wanted to thank staff who had worked extra, and with other agencies, to assist. He would be holding an ACER meeting shortly in order to undertake a debrief. The Portfolio Holder for Environment and Land Management advised that Biffa had

begun the waste collection two hours early that past Friday and had remarkably managed to complete three quarters of the day's round before Storm Eunice had become too much. Aspire had also been flooded with calls about fallen trees and had worked right through to Saturday evening to respond. The Cabinet wanted to record its collective thanks to Biffa and Aspire for working above and beyond.

293 Report of the Budget Scrutiny Task Group

The Portfolio Holder introduced the report and advised that the Overview and Scrutiny Budget Task Group had scrutinised the Council's draft 2022/23 budget over four meetings. The Task Group had made six recommendations for the Cabinet to consider when making its final budget proposals to recommend to Council. He thanked the Task Group for a good piece of work and confirmed that the Cabinet fully accepted the six recommendations.

Resolved:

- That
- (i) it be noted that the Task Group considers the Council's draft budget for 2022/23 is sound and that mitigation plans are in place for any increases to borrowing interest rates during 2022/23.**
 - (ii) it be noted that the Task Group considers the Council's reserves position is sufficient to manage the economic risks to the 2022/23 budget.**
 - (iii) it be noted that the Task Group supports Cabinet's recent decision to have regular monitoring of delivery against Service savings targets, through the quarterly budget monitoring reports in 2022/23.**
 - (iv) it be noted that the Task Group have concerns over the ability to deliver the savings target in the Planning and Development Service for the next budget year.**
 - (v) it be noted that delivery of the Henwood project needs to be timely in order to meet the savings targets in the next financial year.**
 - (vi) it be noted that the Task Group supports the invest-to-save approach regarding homelessness prevention proposals following the Service review in 2021/22.**

294 Budget 2022/23

The report presented the final Draft 2022/23 Budget which would be recommended to the Full Council for approval. The Budget had been built against a backdrop of rising inflation and continued economic uncertainty following the Covid-19 pandemic and the full impact of the EU Exit (including Ashford's own Port Health operation) still to be understood. There was also continued uncertainty over the long term

Government funding of Local Authorities and, although the Government departments received a multi-year settlement, this only transpired in to a single year settlement for the Council as the Government's Fair Funding and Spending Reviews continued to be delayed. The budget had also been built to support the Council's new Corporate Plan, which had been developed to support the Borough's growth and supported the Government theme of 'Build Back Stronger'. The report also covered the Housing Revenue Account (HRA) which included an average increase in rents of CPI + 1% in line with Government guidance. Where this increase would take properties above the Local Housing Allowance rate, then the rent would be capped at that level to ensure it was fully covered by benefits, limiting financial strain on tenants. The report also reflected the HRA Business Plan which was presented to the Cabinet in December.

The Portfolio Holder introduced the report and directed Members' attention to the tabled paper which included four responses that had been received during the public consultation along with the Council's responses. He thanked those who had engaged with the process and had provided good quality responses/questions. He said that the headline fact for many would be that that the budget proposed a £5.00 rise in the Borough's annual Council Tax requirement. This would still leave Ashford as comfortably the lowest of any Kent District, whilst also maintaining some of the best services in the County, but he wanted to focus to be on the narrative in the report which was extremely useful in giving the detail of what they were all trying to deliver for the people of Ashford. He concluded by thanking the Council's excellent Treasury Management team for their continued hard work in delivering balanced budgets and good financial management.

Other Members focussed on the comparative Council Tax levels across Kent. Ashford's was still the lowest in the County by over £11 against the nearest and nearly £100 from the highest. This had not happened by accident and had been driven by this Administration.

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 in Appendix E to the report be noted.**
 - (v) the Housing Revenue Account budget for 2022/23 be approved.**
 - (vi) the estimated average rent increase of CPI + 1% (4.1% rise) be agreed, in accordance with Government guidelines, and that rent setting for the future continues to follow Government guidelines.**

- (vii) the Capital Plan 2022/23 to 2024/25 in Appendix G to the report be approved.**
- (viii) the ABC Exceptional Circumstances Policy as outlined in Appendix L to the report be approved.**
- (ix) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves, at Appendix M to the report, be noted.**

Recommended:

- That**
- (i) the Revenue Budget 2022/23 including the net budget requirement of £16,093,900 (excluding parish precepts), be agreed.**
 - (ii) the level of Discretionary and Statutory Fees to be levied from 1st April 2022 (as set out in Appendix D to the report) be agreed.**
 - (iii) the Band D council tax at £177.50 be agreed.**
 - (iv) the 2022/23 Capital Strategy at Appendix H to the report be approved.**
 - (v) 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.**

295 Financial Monitoring – Quarter 3 Report

The Portfolio Holder introduced the report which presented the Quarter 3 budget monitoring position up to 31st December 2021. The Quarter 3 forecast showed a year end forecast surplus of £224,000. A full break down of movements since Quarter 2 was shown in the report. The Housing Revenue Account (HRA) was forecasting an increase in operational spend since Quarter 2 monitoring of £474,000. Capital expenditure plans had reduced by £975,000 and a corresponding reduction in HRA reserve funding had been made. The report also provided an update on the Collection Fund, Capital Expenditure, Treasury Management and Reserve Movements. There were also a number of items in the 'Other Items' section of the report for the Cabinet to note.

Resolved:

- That**
- (i) the forecast outturn position for the General Fund and Housing Revenue Account be noted.**
 - (ii) the Collection Fund Position be noted.**
 - (iii) the contribution from reserves at Table 5 of the report be noted.**
 - (iv) the Treasury Management position be noted.**

- (v) the use of delegations under the 'Other Items' section of the report be noted.

Recommended:

- That (i) forward funding of £335,000, plus the relevant index, be made available to the Chilmington Management Organisation (subject to quarterly reviews).
- (ii) the Public Sector Decarbonisation Scheme project and the funding detailed at Appendix B to the report be approved.

296 Corporate Performance Report – Quarter 3

The Portfolio Holder introduced the report which summarised performance against the performance indicators included in the Recovery Plan for Quarter 3 (1st October to 31st December 2021). A new Corporate Plan 2022-24 had been adopted by the Cabinet in November 2021 and this would inform Performance Reports from Quarter 1 of 2022/23.

Resolved:

That the performance data for Quarter 3 2021/22 be received and noted.

297 Adoption of Egerton Neighbourhood Plan

The Portfolio Holder introduced the report which advised that following a successful referendum, it was now the Local Planning Authority's responsibility to formally 'make' (i.e. adopt) the Egerton Neighbourhood Plan, which would grant the Plan Development Plan status for decision making purposes. Formally 'making' the Plan must be agreed by Full Council, therefore this report asked the Cabinet to endorse and recommend it on.

Recommended:

That the Council 'make' the Egerton Neighbourhood Plan 2021 – 2040 (incorporating the modifications recommended by the Examiner) in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

298 Ashford Port Health Delegations

The Leader introduced the report which sought to formally delegate the necessary powers to the Head of Port Health so that the Council could exercise the functions required to provide a Port Health Service at the Sevington Inland Border Facility.

The Leader asked if a provision could be added making it clear that the Head of Port Health should bring to the attention of the Leader and Cabinet or Council (as appropriate), any significant matters arising regarding the powers and duties of the

Port Health Authority (exception reporting). The Solicitor to the Council and Monitoring Officer advised that this would be picked up in the Minutes of the Meeting, similar to the addition suggested by the Leader at the Selection and Constitutional Review Committee.

The Deputy Leader advised that following the request made by the Council in October 2020 work to designate a buffer zone between the Inland Border Facility and the village of Mersham was underway and this was a pleasing development.

Resolved:

That subject to the addition above, the delegated powers set out in the Annex to the report be approved, in so far as they relate to ‘Executive Functions’.

299 Rolvenden – Land Acquisition within the HRA

The Portfolio Holder introduced the report which advised of an ‘in principle’ deal to purchase land in Rolvenden in order to deliver affordable housing to those with either a local need or local connection to the Parish.

There was a discussion about the Council’s trailblazing approach to delivering these types of projects and how they had been approached by other East Kent Authorities who were keen to learn from them. It was confirmed that there was legal provision to undertake this type of work for others on a commercial basis and that was something this Council may wish to pursue.

Resolved:

- That**
- (i) the acquisition being made under delegated authority afforded to Housing Services under recommendation (viii) of the Cabinet report agreed in December 2020, be noted and endorsed.**
 - (ii) the acquisition price of the land as detailed at Exempt Appendix B to the report, be noted.**

300 New Senior Structure

The Leader introduced the report which proposed a revised Senior Management Structure with sufficient strategic capacity to successfully deliver the Council’s ambitious Corporate Plan. He said that this restructure had been in abeyance since around 2018 due to various factors, but now was the right time to bring this forward in order to assist with recruitment, retention and career progression of staff.

The Chief Executive advised that the structure had been through a thorough consultation process and whilst it was fair to say that the proposals had been challenged, in her view the majority of objections had been around pay rather than the proposed structure itself or the process followed. There had been amendments made as a result of the consultation process and she had a lot of faith in the proposals being put forward. The retention of staff and being able to properly reward

those staff was a huge consideration for Management Team as the cost of churn in an organisation was huge, both financially and in terms of resilience.

Recommended:

- That
- (i) the new Senior Structure be adopted.
 - (ii) the costs associated with the early release of pension in the event that a redundancy results, (as set out in the Exempt Appendix to the report), be approved.
 - (iii) the potential redundancy costs set out in the Exempt Appendix to be report be noted.
 - (iv) the recommendation to cap the cost of living increases to pay scales MG1, MG2, MG3 and MG4 at 1.5% for 2022/23 be approved.

301 Greater Ashford Borough Environment and Land Mapping Commission – Notes of 18th January 2022

Resolved:

That the Notes of the Meeting of the Great Ashford Borough Environment and Land Management Commission held on the 18th January 2022 be received and noted.

302 Compliance and Enforcement Board – 25th January 2022

Resolved:

That the Notes of the Meeting of the Compliance and Enforcement Board held on the 25th January 2022 be received and noted.

303 Climate Change Advisory Committee – 13th and 17th January 2022

Resolved:

That the Notes of the Meetings of the Climate Change Advisory Committee held on the 13th and 17th January 2022 be received and noted.

304 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.

305 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 Paragraph 3 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.

306 Project Green

The Leader and Portfolio Holder introduced the exempt report and drew attention to the Tabled Papers which included some further confidential detail.

Members expressed their support and excitement for the proposals.

Resolved:

That KCC, Sir Paul Carter and Locate in Kent be thanked for their efforts in bringing forward this project.

Recommended:

That (i) responsibility be delegated to the Chief Executive, in consultation with the Executive Leader of the Council, subject to satisfactory oversight of a Due Diligence Working Group which would include the Chair of Overview and Scrutiny and the Portfolio Holders for Finance and IT and Regeneration and Corporate Property, and the final terms of the Acquisition and Lease being within the financial envelope to recover the cost through the lease, to agree: -

(a) Subject to the grant of planning application, and the completion of construction, terms for the purchase of the building and wider site as outlined in the report. and

(b) Heads of Terms for an Agreement for Lease and Lease to the Tenant (on the basis that the financial terms of the Lease are (subject to independent valuation advice), sufficient to cover

the costs of (a) above and holding costs for the building for the duration of the Lease).

- (ii) the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**
- (iii) there will be a future report covering the establishment of the park and its maintenance regime.**
- (iv) a budget allocation of £150,000 be agreed to complete the due diligence in line with the above recommendations.**

Queries concerning these minutes? Please contact Member Services
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