

Solicitor to the Council and Monitoring Officer, T W C
Mortimer LLB Solicitor



ASHFORD
BOROUGH COUNCIL

To the Members of the Borough Council

Dear Sir/Madam

You are hereby summoned to attend a Meeting of the Ashford Borough Council, to be held in the Council Chamber - Ashford Borough Council on **Thursday, 29th February, 2024 at 7.00 pm.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'T W Mortimer'.

T W Mortimer
Solicitor to the Council and Monitoring Officer

Agenda

Page Nos..

Tabled Papers

1 - 8

This page is intentionally left blank

Tabled Paper

Council: 29 February 2024

Amendment to Minute Number 318/02/24 - Budget 2024

The final budget presented to Cabinet on the 22 February 2024 had the following table for fees and charges relating to fixed penalty notices:-

Table 1 - Table presented in Final Budget Report.

DISCRETIONARY & STATUTORY FEES 2024/25						
Other Charges						
Item	Description/Comments	VAT Indicator	Charge 2022/23 £	Charge 2023/24 £	Proposed Charge 2024/25 £	Increase / Decrease on 2023/24 %
Fixed Penalty Notices						
Non compliance of micro chip for a dog		NB	500.00	500.00	500.00	0.00%
Dog fouling		NB	50.00	50.00	50.00	0.00%
Littering		NB	75.00	75.00	75.00	0.00%
Flytipping		NB	400.00	400.00	400.00	0.00%
Failure to fulfil duty of care (Domestic Waste)	Fixed penalty reduces to £300 if paid within 14 days.	NB	400.00	400.00	400.00	0.00%
Failure to comply with a Community Protection Notice		NB	100.00	100.00	100.00	0.00%
Failure to comply with a Public Space Protection Order		NB	100.00	100.00	100.00	0.00%

Following Cabinet recommendation of the final budget it has been identified that following amendments to “*The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023*” the proposed charges for littering, fly tipping and failure to fulfil duty of care (Domestic Waste) were not updated as intended.

The Table below represents the proposed charges to be made from 1 April 2024 and asks Council to approve these.

Table 2 - Updated table reflected proposed increase in charges from 1 April 2024

DISCRETIONARY & STATUTORY FEES 2024/25						
Other Charges						
Item	Description/Comments	VAT Indicator	Charge 2022/23 £	Charge 2023/24 £	Proposed Charge 2024/25 £	Increase / Decrease on 2023/24 %
Fixed Penalty Notices						
Non compliance of micro chip for a dog		NB	500.00	500.00	500.00	0.00%
Dog fouling		NB	50.00	50.00	50.00	0.00%
Littering, graffiti and fly-posting		NB	75.00	75.00	150.00	100.00%
Fly tipping		NB	400.00	400.00	600.00	50.00%
Failure to fulfil duty of care (Domestic Waste)	Fixed penalty reduced by £100 if paid within 14 days	NB	400.00	400.00	600.00	50.00%
Failure to comply with a Community Protection Notice		NB	100.00	100.00	100.00	0.00%
Failure to comply with a Public Space Protection Order		NB	100.00	100.00	100.00	0.00%

It should be noted that under that changes to the “*The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023*” the following maximum charges for ‘littering, graffiti and fly posting’, ‘fly tipping’, and ‘Failure to fulfil duty of care’ increased to £500, £1,000 and £600 respectively. A £100 discount will be given on Failure to Fulfil Duty of Care fixed penalty Notices if settled within 14 days, this is a local decision and noted in the table above.

Recommendation

Council is asked to approve the proposed charges as set out in the table above under Minute Number 318/02/24 - Budget 2024.

Council – 29th February 2024

Proposed Amendment from the Conservative Group

Proposed Amendment to Earmarked Reserves (Item 11)

I would like to propose that the budget be amended to “ earmark” two separate chunks of reserves (each of £100k) for:

- Street Market initiatives (hopefully supported by the task group and informally split £50k for the town and £50k for Tenterden and the villages)
- Rural and urban broadband (hopefully supported by the broadband strategy)

The “MTFP Risk” reserve would be reduced by £200k.

I append the current “Summary of Reserves” for clarity.

Table 8 – Summary of Reserves

<u>Earmarked general fund reserves</u>	Forecast at 31 March 2024 £'000	Forecast at 31 March 2025 £'000	Forecast at 31 March 2026 £'000
General fund Minimum Level	(3,265)	(3,265)	(3,265)
Operational reserves			
MTFP Risk	(8,081)	(7,646)	(7,346)
Collection Fund Risk	(1,000)	(1,000)	(1,000)
Strategic Investment and Property Risk	(2,000)	(2,001)	(2,001)
Climate Change Delivery Fund	(805)	(805)	(5)
Provide for Maintenance of Assets	(5,000)	(5,000)	(5,000)
Useable for operational purposes	(16,886)	(16,451)	(15,351)
General and Operational Reserve Total	(20,151)	(19,716)	(18,616)

Kindest regards,

Neil Bell
ABC Conservative Group Leader

This page is intentionally left blank

Labour Group Budget Amendment:

Revitalising our Town Centre: Investing in a Town Centre Market.

This Council Notes:

- That this Council approved a motion in October 2023 proposed by Cllr Spain and seconded by Cllr Chilton to establish a weekly 'Best of Kent' market to help revitalise the town centre.
- That the administration established a Town Centre Market Review Task Group to examine the options for a Town Centre Market and that the Task Group will be reporting back to Cabinet on the various options.
- That the Town Centre Market Review Task Group has met and has agreed to view other markets in the region and seek outside help to ensure Ashford's market is a success.

This Council Further Notes:

- We reaffirm that we believe a 'Best of Kent' market in Ashford will attract more visitors and customers to our town centre, increasing footfall and trade for our local businesses.
- That a market will create new jobs and opportunities for our residents, especially for our local farmers and producers who can sell their products directly to consumers.
- Local markets promote healthy and sustainable choices among our community and reduce food miles and waste.
- That an Ashford Market will give us the opportunity to celebrate the diversity and culture of Ashford and Kent, enhancing community pride and cohesion.

This Council Resolves:

- To allocate £100,000 from the Reserves to support the establishment of a 'Best of Kent' market in Ashford following the review of the Town Centre Market Review Task Group.
- That the £100,000 be allocated for one year after which the market must be viable in its own right.

Proposed: Cllr Diccon Spain

Seconded: Cllr Brendan Chilton

This page is intentionally left blank

Labour Group Budget Amendment:

Revitalising our Town Centre: Cleaner Safer Streets

This Council notes that:

1. The flytipping of waste is illegal¹ and Ashford Borough Council works closely with partner organisations including Kent County Council, Trading Standards, the Environment Agency, and other local authorities to deal with this issue².
2. That in 2022-2023, Ashford Borough Council spent £1,445,551.21 and in 2021-2022 spent £1,276,720.58 and in 2020-2021 spent £1,240,076 on street cleaning and clearing litter. This Council further notes the budget pressures facing this authority this year.
3. For littering and graffiti, Ashford along with Dartford imposes a £75 fine, the lowest fine in Kent for those caught littering. The Council is currently proposing to increase this to £150 from April.
4. That in July 2023 the government announced new powers for local authorities to tackle anti-social behaviour³.
5. For flytipping, Ashford imposes a £400 fine, in line with most of the rest of Kent for those caught flytipping. The Council is currently proposing to increase this to £600 from April.
6. That in the resident's survey of 2022, 49% of residents regarded green spaces and parks as the second most important issue in making an area a good place to live. 39% of residents in the 2022 resident survey found that clean air and streets was one of the most important issues in making an area a good place to live⁴.
7. That Ashford Borough Council imposes a fine £400 for those failing to meet the Household Duty of Care on waste collection and that it is reduced to £300 if paid within 14 days.
8. That Ashford Borough Council currently imposes a £50 fine on those who fail to clean up after their dogs and that no proposed increase is currently being considered.
9. Other local authorities are exploring the possibility of increasing their fines to tackle littering, graffiti, fly tipping and dog fouling in their community⁵.

This Council Resolves:

1. To increase the fines imposed by this Council for littering or graffiti from £75 to £500 commencing on April 1st 2024.
2. To increase the fines imposed by this Council for flytipping from £400 to £1000 commencing on April 1ST 2024.

¹ <https://www.kent.police.uk/advice/advice-and-information/asb/asb/antisocial-behaviour/fly-tipping-and-other-littering/>

² <https://www.ashford.gov.uk/environmental-concerns/report-a-street-issue/fly-tipping/environmental-enforcement-team/#:~:text=Alternatively%2C%20you%20can%20call%2003708,waste%20is%20being%20taken%20to.>

³ <https://www.gov.uk/government/news/bigger-fines-possible-for-littering-and-fly-tipping>

⁴ https://haveyoursay.ashford.gov.uk/gf2.ti/-/1383106/158588933.1/PDF/-/2022_ResSurvey_Full_Report.pdf

⁵ <https://www.kentonline.co.uk/canterbury/news/the-most-expensive-places-to-litter-in-kent-as-council-plans-297888/#:~:text=In%20Canterbury%2C%20fines%20for%20littering,%C2%A31%2C000%20for%20fly%2Dtippin>
g.

3. To increase the fines imposed by this Council for not picking up after dogs from £50 to £100 commencing on April 1st 2024.
4. To increase the fines imposed by this Council on those failing to meet the Household Duty of Care from £400 to £600 from April 1st 2024.

Proposed: Cllr Brendan Chilton

Seconded: Cllr Diccon Spain