

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **19th July 2018**.

Present:

Her Worshipful the Mayor, Cllr. Mrs J E Blanford (Chairman);

Cllrs. Adby, Bartlett, Bell, Bennett, Bradford, Buchanan, Burgess, Chilton, Clarkson, Clokie, Dehnel, Feacey, Galpin, Heyes, Mrs Heyes, Hicks, W Howard, Howard-Smith, Knowles, Koowaree, Krause, Link, Macpherson, Miss Martin, Mrs Martin, Michael, Ovenden, Pickering, Shorter, Smith, Suddards, Waters, Mrs Webb, White.

Also Present:

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Director of Place and Space, Member Services Manager (Operational).

Apologies:

Cllrs. Barrett, Mrs Bell, Farrell, Sims, Wedgbury

Prior to the commencement of the meeting the Mayor advised that unfortunately her Chaplain, Tim Wilson, would be leaving the Borough in September to support his wife Catherine who was moving to Bedfordshire for her new Ministry. Both Catherine and Tim had been Mayor's Chaplain and had lived in Great Chart for the last 15 years. They would be greatly missed. She wished Tim and his family all the best for the future. She advised that the Reverend Cathie Aldis would take over as Mayor's Chaplain. The Reverend Tim Wilson then said prayers.

108 Exempt or Confidential Information

The Mayor asked whether any items should be dealt with in private because of the likely disclosure of exempt or confidential information. The Director of Law and Governance advised that there were none.

109 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 17th May 2018 be approved and confirmed as a correct record.

110 Announcements

(a) The Mayor

The Mayor welcomed everyone to the meeting. She advised that she had experienced a very busy two months since being inaugurated as the Mayor. It was heart-warming that so many different types of organisations liked to have the Mayor present at their functions. These ranged from Dementia Action Week, a 50 mile walk from Wye in aid of the Pilgrims Hospice, the relaunch of the Singleton Environment Centre which was close to her heart and visiting Luckley House at Wye where they had been entertained by the Primary School singing and dancing around the maypole. She had attended 100th Birthday Parties, opened a bakery in County Square and a wedding shop in Park Mall and started the runners off at the Junior Park Run at Victoria Park. She had cut ribbons at the openings of the new Bullied Place and Bridgefield play areas which were both magnificent and looked like they would be very popular with local families. Just that afternoon she had been at the Outlet Centre to greet two intrepid cyclists who were cycling around the world in seven years to raise funds for Prevent Breast Cancer. So you never knew from day to day what you were going to be doing and who you were going to be meeting!

She said that whilst you may think the Mayor had a rather worthy existence visiting many charities, it was also a time to party! It was about getting to know the other Kent Mayors, Deputy Mayors, Chairmen, Cinque Port Mayors and assorted Escorts and Consorts, most of them, like her, newly appointed in May. Apart from tea at Buckingham Palace and a brief conversation with the Princess Royal, there had been breakfast at the Singleton Environment Centre and drinks at the Old Palace Canterbury, both with Bishop Trevor, a reception at Penshurst Place with the Lord Lieutenant, dinner with the Chairman of KCC (Mike Angell), a Garden Party with the High Sheriff who lived in Tenterden, a Cocktail Party with the Mayor of Sevenoaks and Knole House and an excellent concert at St Nicholas Church, New Romney.

With 2018 marking the 100th Anniversary since the end of the First World War there had been, or would be, engagements to commemorate this momentous event. The first notable one had been the Fields of Battle, Lands of Peace photographic exhibition. She had been lucky enough to go to the Guildhall in London to witness the opening of the exhibition back in May, that was probably the last day it had rained! It had been a mark of Ashford's 'can do' attitude that the Council had come forward with additional funding to keep the exhibition on track and bring it to Ashford's Memorial Gardens, and it had been an honour to be invited to open it. Aspire had also pulled out all of the stops to make a memorable display featuring soldiers 'going over the top' and a supporting floral display *par excellence*. She said that everywhere she had been since, people had commented to her about how moved they had been by the exhibition and beautiful displays. Another event which had stood out was the night of the Civic Awards where 12 local residents had each received an award in recognition of their outstanding voluntary work in the Borough. Whilst handing out the awards she could say that everyone, including Jeff Moorby who collected one on behalf of his late wife Hilary, was delighted and surprised to receive such a recognition. These were just a few of the engagements in which she had been involved and the Deputy Mayor had also been out and about at several engagements. She said that she would like to take the opportunity to thank colleagues and friends from inside and outside the Council for agreeing to escort her to

many of the events she had attended. She really appreciated them giving up their time as it made it so much more enjoyable for her to have an escort. She was of course still marking them out of 10 – scores were pretty high so far although perhaps some attention needed to be given to dancing!

The Mayor advised that she had also made progress with her two charities – Kent Wildlife Trust (KWT) and The Paula Carr Trust for Diabetes Hypo Hounds. She had been in discussion with Mike Bax the Chairman of KWT and would support their Ashford Meadows Project. This coming Sunday, 22nd July, there would be an afternoon visit to Moat Farm, Shadoxhurst to explore the conservation work that he, and his wife Jan had been carrying out. Separately from this, and in support of her environmental motif, they had held a session here in the Council Chamber with ten primary schools where they had debated environmental issues and come up with ideas for projects that they wished to run. She intended to visit the schools individually in the Autumn to encourage them and see what progress they had made.

Finally, the Mayor wanted to draw attention to two more upcoming dates. Gary Fagg of the Paula Carr Trust had agreed to run a Race Night to raise funds for her charity on Friday 16th November at Great Chart Village Hall. In addition, she was also holding a Summer Dinner/Dance at London Beach Hotel, Tenterden on Saturday 8th September, with a Freddie Mercury Tribute Act and this promised to be a lot of fun so she hoped as many Members as possible would be able to attend. Another important upcoming event was the Twinning weekend from 13th September when Ashford would be welcoming its friends from Fougères and Bad Münstereifel. Kentish food and drink was the theme, and whilst most of the arrangements were finalised, anyone wishing to help out and brush up on their French or German by meeting the guests would be welcomed. She expected to have fewer events during the holiday season, but she was looking forward to being kept busy by helping to provide lunches through the Make Lunch Scheme for children at St Stephens who would normally have free school lunches during term time and may miss out altogether in the holidays.

(b) Leader of the Council

The Leader said he would like to take a few moments to update colleagues on a number of developments which had happened recently, and things they all had to look forward to over the coming months.

In the last week Ashford had seen its fair share of national coverage, including not one but two mentions in the Telegraph. The first was a mention for Ashford's upcoming Snowdogs trail where it was named as one of the must see public art trails in Britain this year. The second reference was from High Streets Minister Jake Berry MP who used Ashford as a good example of utilising high streets effectively. This had been picked up by The Daily Mail and The Express and just that week a journalist from the Guardian had come to meet representatives from the Council, local businesses and developers to find out more about the Council's approach. Also that week Councillor Graham Galpin had been invited by the Minister to join a national Government panel to advise on the future of the Great British High Street. This reflected well on not only Graham himself, but also the Council. He joined a panel of experts Chaired by Sir John Timpson, Chairman of retailer Timpson. The panel would focus on what consumers and local communities wanted from their High Streets. It would look at the current challenges and work out options to ensure town centres remained vibrant.

The Leader advised that the Council's ambition was to build on Ashford's heritage as a market town, one that made the most of its unique location, international connections and strong community spirit. However, it was not just about pretty words and grand visions – it was about action. This was why they had created the Ashford Town Centre Place Making Board, which had met for the first time earlier that day. The Council had been working closely with the award-winning Carl Turner Architects on exciting plans for a site at Dover Place, close to the international train station. The site – to be branded as The Coachworks – would be transformed into a mixed-use campus providing a co-working space primarily aimed at start-up companies, flexible indoor/outdoor event space and a food and drink destination showcasing local produce and suppliers. The Coachworks was so named after the coachbuilders based there for 30 years from the 1960s and were famed for their ties with the Royal household and Harrods. The design approach to this exciting project worked with the existing collection of industrial buildings and aimed to provide new work and leisure uses for the benefit of the local community and visitors alike. Developers U+I had put forward proposals to regenerate the Kent Wool Growers site on Tannery Lane. These included new homes, public space and a riverside walkway as well as bringing Whist House (a Grade II listed building) back into use. The 1.9 hectare site sat between the Great River Stour to the east, International House to the south, Dover Place and the Royal Mail sorting depot to the west and Tannery Lane to the north. The proposals were subject to planning approval but could include new 1, 2 and 3 bedroom apartments and a new, specially designed, public footbridge could also provide better access across the river towards the Stour Centre and International Station.

While the Leader said the Council was pleased to see development coming forward, not all development was welcome. He was sure that all would have welcomed the news that Gladman Developments Ltd had withdrawn three appeals seeking planning permission for nearly 500 new homes in the Borough's villages. Following the hearings into the new Local Plan, inspectors issued an advice note confirming that Ashford Borough Council did have an adequate five year housing land supply and Gladman subsequently withdrew their appeals. Understandably, the Council was very pleased with this result. The Council could not prevent applications being made on sites that were not allocated for development in its Local Plan, and any applications that were made were considered on merit at that time. However, the Council would continue to strongly resist any inappropriate or unjustified development and would instead take a Local Plan led approach, including consultation with local residents, to meet the development needs of the Borough.

The Summer/Autumn edition of Ashford *For You* Magazine (second edition) was now out. The latest 24 page, quarterly magazine was distributed to every household in the Borough and covered what was going on in the local area, profiling services, people and places. The Council wanted to ensure it was communicating with all of its residents and keeping them abreast of what was happening and the services it provided. They hoped the magazine would prove to be a success and would ensure that residents were well informed about what was happening in the local area.

On Thursday 5 July, the Council held its second Civic Awards ceremony, in which 12 of the Borough's local people were rewarded for making their community a better place. The awards - which were held at Chart Hills Golf Club in Biddenden - were the perfect opportunity for the Council to once again thank and honour those individuals who had

been tirelessly and selflessly contributing to the greater good of their local communities. The Civic Awards had reminded everyone of the sense of community spirit that existed in the Borough and they were fortunate that Ashford was blessed with spirited people who acted with tremendous dignity and who were effectively the heartbeat of their communities.

In closing, the Leader wanted to emphasise that with the summer truly arriving he was sure that residents were looking forward to this year's Create Music Festival in Victoria Park this coming weekend, headlined by DJ Jazzy Jeff. With this event, plus the spin off Create Platform events being held this week in the run up to the main festival, plus the Splashes of Summer entertainment planned in the town centre, he considered that the Council was really beginning to make Ashford a more vibrant and enjoyable place.

111 Cabinet – 14th June and 12th July 2018

(a) Cabinet – 14th June 2018

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 14th June 2018 be received and noted.

(b) Cabinet – 12th July 2018

Resolved:

That subject to the expiry of the period by which decisions arising from the Meeting of the Cabinet held on the 12th July 2018 may be called in, i.e. 25th July 2018: -

- (i) the Minutes of the Meeting of the Cabinet held on the 12th July 2018 be received and noted with the exception of Minute Nos. 90, 95 and 97.**
- (ii) Minute Nos. 90 and 95 be approved and adopted.**
- (iii) the recommendations in Minute No. 97 be deferred for further consideration at the end of the Meeting.**

112 Selection and Constitutional Review Committee – 12th July 2018

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 12th July 2018 be approved and adopted.

113 Audit Committee – 21st June and 10th July 2018

(a) Audit Committee – 21st June 2018

In accordance with Procedure Rule 9.3 Mr Relf, a local resident, had registered to speak on these Minutes. He considered there had been some misinformation supplied in the Minutes of this Meeting with regard to criminals making money out of illegal activity, in this case organised dumping on land in Mock Lane, owned by Kent County Council (KCC) again. He had been informed at the meeting that KCC, the Police and the Environment Agency were investigating this matter, but, in his view, just to keep the record straight he said that no one was investigating except the Waste Enforcement Advisor for KCC, who had only become involved on the 27th March, yet KCC had known about this since January and the solution to the problem had been to close off the access with concrete blocks. They had had at least four months to collect evidence but nothing was going to be done, the same as in the cases of past organised dumping in that area, with one clear up costing more than £60,000. Also, looking at the Police crime map for past years, nothing was recorded for this area, in fact using the Police crime map, the safest place in the Borough appeared to be the area around Chilmington Caravan Site which he believed showed how things could be manipulated. He said he did not expect a response from the Council as he knew this was an ongoing investigation.

The Portfolio Holder for Community Safety and Wellbeing said that the Council had received a response from KCC's Waste Infrastructure Compliance Manager on this matter which stated that "KCC continued to take positive actions to see this matter brought to a satisfactory conclusion. One of which would see illegally deposited material cleared from their land at Mock Lane and the site tidied up. Amey were pulling together a delivery programme that would be shared with Ashford Borough Council. Concrete blocks were placed at the site entrance in May and since then they had not been aware of any further incidents of lorries taking waste to the site. A security firm was employed to carry out checks and this would continue for now and as far as they were aware there were no further illegal activities taking place on site. Invicta Law continued to advise on matters in relation to trespass and preparing evidence in support of the court order to legally prevent individuals entering on to its land." With regard to comments about the Police crime map, the Portfolio Holder said he understood this dealt with crimes reported to and dealt with by the Police, not those dealt with by other agencies, therefore he would not expect to see fly-tipping incidents to be recorded on that map.

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 21st June 2018 be received and noted.

(b) Audit Committee – 10th July 2018

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 10th July 2018 be received and noted.

114 Audit Committee – Annual Report 2017/18

Resolved:

That the Annual Report of the Audit Committee 2017/18 be accepted.

115 Overview and Scrutiny – Annual Report 2017/18

Resolved:

That the Overview and Scrutiny Annual Report 2017/18 be accepted.

116 Questions by Members

(a) Question from Councillor Michael to Councillor Clarkson, Leader of the Council.

“Regarding Local Plan Site Policy S2 Land North-East of Willesborough Road Kennington, will the Leader inform Members the compelling reason for ABC to include this in the Local Plan since it is against ABC declaration for the area? ABC documents in the hands of residents under Freedom Of Information state: “the land lying east of A28 is a Special Landscape Area and that there are presumptions against the development of this land in both Structure and Local Plan policies in addition to a general policy of restraint outside the build confines”.

In addition will the Leader also brief Members why ABC chose to go against National Planning Policy paragraphs 109 and 112 that seek to protect Special Landscape areas and the finest agricultural soils?”

Reply by Councillor Clarkson

“Madam Mayor, I wish to thank Councillor Michael for his question as it gives me the opportunity to mention the comprehensive and thorough work undertaken by the Council in the preparation of its new Local Plan. As Councillor Michael will recall, Members of the Local Plan and Planning Policy Task Group spent several meetings giving detailed consideration to the scale of housing development to be planned for in the Borough to 2030. This included engaging consultants of his choice, to undertake an assessment of the methodology being applied to reach our housing target figures, as he had questioned the work done by our own consultants. Those additional consultants had also found the methodology to be very sound. We now know that the Council’s assessment of housing need has been endorsed and, if anything, increased slightly by the Local Plan Inspectors. We also now know that the Council’s strategy for the distribution of housing development across the Borough has also been widely supported by the Local Plan Inspectors. The continuing emphasis on the majority of new development being located in and around Ashford, where most of the shops, services, community facilities and leisure facilities are located along with high quality public transport links and access to the M20 corridor, has again been supported at Examination. The whole of the southern edge of Ashford has seen massive areas of new growth planned over recent years and again, the majority of new development in

the Local Plan around the town is located there. But other locations around the town need to play a role too. Councillor Michael's question refers to an apparent Council 'declaration' on the site he is raising this evening. I am not aware of any such 'declaration' but that is not surprising for the following reasons. His question makes reference to Special Landscape Areas and Structure Plan policies but perhaps he is not aware that the Kent Structure Plan was abolished many years ago to make way for regional plans – which themselves were, of course, abolished as long ago as 2010; whilst Special Landscape Areas have not been a recognised formal landscape designation for well over 10 years. I can only assume therefore that any such 'declaration' was made many years ago under a completely different planning context.

I note Councillor Michael also cites various parts of the NPPF in his question. However, his interpretation of those paragraphs is also flawed. There are no references to Special Landscape Area designations in any part of the NPPF and, whilst the quality of the soil at site S2 is acknowledged, the NPPF does not state that this is a matter that should automatically prevent development coming forward. Instead, landscape quality outside the AONBs and agricultural land classification are factors to be weighed in the balance as to where development should take place. As with all the proposed site policies in the new Local Plan, site S2 in Kennington has been the subject of a comprehensive and robust independent examination where all parties have had an opportunity to make their case not only to the Council, but also to the Local Plan Inspectors, as to whether the site should be allocated in the Plan or not. That is the proper place for the case for and against to be debated. But, as I'm sure Cllr Michael must know, the Inspectors' post hearing advice note to the Council has raised no concerns or objections to the proposed allocation of site S2 nor seeks any specific Modifications to it and so we must assume that they support the Council's position and consider the site to be fundamentally sound. Having said all this, I can assure Councillor Michael and the local residents that the Council will be working tirelessly to ensure that any development that comes forward provides a high quality environment that befits its location and minimises the impact on existing residents as far as is reasonably possible. We have been and will continue to work with Quinn Estates on their masterplan for the site and will be encouraging them to work up their proposals in full collaboration with the local community.

Supplementary Question by Councillor Michael

"I thank the Leader for that and just want to make one correction in that paragraph 109 of the NPPF does talk about Special Landscape Areas and paragraph 112 does talk about agricultural soils so that was a fact. My supplementary question would be that given that in the past this particular site had been subject to planning applications that had been refused, overwhelmingly objected to by residents and supported by this Council and statements of the then Planning Inspector, residents were asking why Ashford Borough Council had now turned about face on this site and this particular development?"

Reply by Councillor Clarkson

"I thank Councillor Michael for the supplementary question and whilst I have not had the chance to research the history of the particular site he refers, I would be happy to speak to him outside of the meeting, along with the Officers concerned, at any time."

117 Minute Number 97/7/18 - Cabinet 12th July 2018

The Chief Executive left the Council Chamber during this item as she was a Director of A Better Choice for Property Company Ltd.

Councillor Chilton advised that he had supported the creation of the ABC Property Company at the outset as he understood it had had a strong social element built in to it, and he supported the Council's effort to become more commercially viable, especially in light of the decade long attrition against Local Government finance. The Overview and Scrutiny Committee, which he was very pleased to Chair, had made a number of recommendations on the Property Company which he thought had been accepted and/or noted, however he had some serious concerns about some of the proposals before the Council this evening, proposed from the Trading and Enterprise Board (TEB) via the Cabinet. The TEB was proposing to change the governance arrangements of the Company, but some Officers still remained on the Company Board. This was in no way a criticism of the individual Officers, but should there ever be a dispute or disagreement between the Company and the Council, he thought the Officers serving on that Board would be placed in an impossible position. He was pleased that non-Executive Directors had been appointed, as recommended by Overview and Scrutiny, but he would like to know how they were appointed, what the selection and interview process was and what the reporting process would be from them to the Council.

He said that the original Business Plan had spoken of growth and a financial return to the Council, but at present the gearing rate of the Company was around 92.4% which meant that 92.4% of the Company's activities were being built on debt. The Council had borrowed some of this money to lend to the Company and he was deeply concerned what would happen to that money should interest rates rise. The Council was also being asked to extend the loan facility to the Company, but after this meeting there would be virtually no democratic involvement by Elected Members in the Company. He was concerned that the figure loaned would reach around £100m and whilst he knew that the Council was ambitious, it was also a public service provider, not a business. The business was the Company but it was not making the returns the Council had been told it would and the Council could be in debt after this meeting of up to £300m. He therefore wanted to propose the following amendments to the recommendation: -

- (i) That the original Articles of the Company be returned to say that the objectives include delivery of housing in order to cross-subsidise the provision of local needs housing and maximise housing delivery on sites without Government Grants and to provide suitable accommodation for vulnerable residents.*

This would be rather than the new "watered down version" before the Council this evening.

- (ii) That the Overview and Scrutiny or Audit Committee be given an audit function for the Company.*
- (iii) A Remuneration and Nomination Panel be established for the Company to include a role for Elected Members of this Council.*

Councillor Chilton concluded by saying that subject to those amendments he would be happy to support the proposals. One further item for clarification was that on page 24 paragraph 12 of the TEB report of 9th July it stated that the loan the Council was making was secure, but on page 12 paragraph 19 of the same agenda it said it was not, and he would like some clarity on that. It would be important to vote carefully on these proposals as the decisions they made would have significant ramifications. He raised these points from the perspective of a 'critical friend' of the commercial activities of the Council. He said that Elected Members had a duty to read, understand and challenge proposals. Disagreement and concern were not the same as opposition for opposition's sake. There was a responsibility on all Members to provide that function.

The Leader of the Council responded that Councillor Chilton had raised a whole tranche of detailed points. Firstly, the Property Company had been set up because the Government had changed the law and allowed the Council to do so. It had not been anything to do with providing social housing, subsidised housing or anything of that nature. Another key point was that there were errors of fact in what Councillor Chilton had said. If the interest rates went sky high it would not affect the Council one iota as they were on fixed interest loans. Additionally, whilst they had borrowed, the Council had collateral. When people talked about their own debt they would often mention credit cards and higher purchase loans but they rarely mentioned the mortgage on their house, because the house itself was often worth a lot more than the mortgage they had on it. He could think of no firmer asset than property.

The Leader said that in the spirit of co-operation the Cabinet had already taken on a number of the suggestions of the Overview and Scrutiny Committee regarding the Company, including removing himself and any other Cabinet Member from the Board, but he did not however think that all of the points that had been raised this evening could be adequately analysed and responded to during the meeting. He therefore proposed that this particular Minute be deferred to allow for further work to be undertaken and come back to a future meeting.

Councillor Bartlett said he would support deferral of this particular Minute to a future Council meeting, but he wanted to make one point of clarification. References to the Company providing housing in order to cross-subsidise the provision of local needs housing and maximise housing delivery on sites without Government Grants and to provide suitable accommodation for vulnerable residents, came from the Company's original Business Plan, not the Articles. The Business Plan had been developed by the previous Council in 2013 so it was understandable that some Members recollection of this may not be the same as others.

The Leader said that he understood the point being made but it was also true to say that any profits coming back to the Company shareholder (i.e. the Council) would of course cross-subsidise everything that the Council did. That was a different point to saying that the Company was there to deal with this. It was a commercial Limited Company.

Councillor Bell seconded deferral of this Minute and said that with regard to social housing, many Councils did not even have a social housing department anymore and this Council had looked at this time after time and decided they wanted to retain that. So any suggestion that this Council was not doing a marvellous job at providing social housing missed the point. The Council had over 5000 social housing properties and did an awful lot more work with Housing Associations. With regard to the Company and

profits, the Council had been left with no choice following the withdrawal of Central Government Grant but to pursue other streams of income. Setting up a Company that would provide a revenue to in turn help pay for Council services was almost inevitable and it was going very well. The fact that certain Members were now raising issues such as minutes, governance etc. missed two big points – the Council was getting a revenue to help fund services, and the Council was doing a fantastic job on local needs and social housing.

Councillor Mrs Martin said she would have liked to have seconded the original proposal because she had her own concerns about Council borrowing, but she would accept deferral of the discussion.

Resolved:

That Minute No. 97 of the Cabinet of 12th July 2018 be deferred to allow for proper analysis of the proposals put forward at this meeting.

(DS)

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