



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, 18th October, 2018 at 7.00 pm.

Yours faithfully

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

T W Mortimer
Corporate Director (Law and Governance)

Agenda

Page Nos..

1. **Apologies**
2. **To consider whether any items should be dealt with in private because of the likely disclosure of Exempt or Confidential Information**
3. **Declarations of Interest** 1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

 - a) Disclosable Pecuniary Interests (DPI)
 - b) Other Significant Interests (OSI)
 - c) Voluntary Announcements of Other Interests

See agenda item 3 for further details
4. **To confirm the Minutes of the Council Meeting held on the 19th July 2018** 3 - 14
5. **To receive any announcements from the Mayor, Leader or other Members of the Cabinet**
6. **To receive any petitions**
7. **To receive any questions from, and provide answers to, the**

public (being resident of the Borough) which in the opinion of the Mayor are relevant to the business of the Meeting

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| 8. | To receive, consider and adopt the recommendations set out in the Minutes of the Meetings of the Cabinet held on the 13th September and 11th October 2018 (to follow) | 15 - 26 |
| 9. | To receive the Minutes of the Meeting of the Audit Committee held on the 27th September 2018 | 27 - 30 |
| 10. | To receive the Minutes of the Meetings of the Appeals Committee held on the 23rd April, 4th May, 9th May (10.00am) and 9th May (11.40am) 2018 | 31 - 38 |
| 11. | To receive, consider and adopt the Minutes of the Meetings of the Selection and Constitutional Review Committee held on 11th October 2018 (to follow) | |
| 12. | To consider Motions of which Notice has been given pursuant to Procedure Rule 11 | |
| 13. | Questions by Members of which Notice has been given pursuant to Procedure Rule 10 | |
| 14. | Petition - Landscape Protection Policy | 39 - 48 |

NOTE: - If debate on any item included within this Agenda gives rise to the need to exclude the press and public due to the likelihood of Exempt or Confidential information being disclosed the following resolution may be proposed and seconded and if carried, the press and public will be requested to leave the meeting for the duration of the debate.

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of this item as it is likely that 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 appropriate paragraphs of Schedule 12A to the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

DS
10 October 2018

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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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. Aaby, 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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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13th September 2018**.

Present:

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

Cllrs. Mrs Bell, Bradford, Clokie, Galpin, Pickering, Shorter, White.

Apologies:

Cllrs. Bennett, Buchanan, Burgess, Hicks, Knowles, Link.

Also Present:

Cllrs. Barrett, Bartlett, Ovenden, Wedgbury.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Head of Planning and Development, Head of Corporate Policy, Economic Development and Communications, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Corporate Property and Projects, Senior Commercial Development Manager, Chilmington Community Management Organisation Project Manager, Environmental Protection and Licensing Team Leader, Monitoring Centre Team Leader, Principal Solicitor (Strategic Development), Principal Urban Designer, Policy and Research Assistant, Senior Communications Officer, Communications Officer, Member Services Manager (Operational).

The Leader of the Council advised that Agenda Item 28 – Elwick Place had been withdrawn from the Agenda.

142 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Made a Voluntary Announcement as Kent County Council Member for the Ashford Rural East Division (which includes Wye).	155
Wedgbury	Made a Voluntary Announcement as a member of the Fire Fighters Credit Union	145

143 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 12th July 2018 be approved and confirmed as a correct record.

144 Cabinet Response to Overview and Scrutiny Recommendations on Commercial Investment

The Portfolio Holder for Corporate Property introduced the report which responded to those matters raised by Overview and Scrutiny on the 24th April 2018 and the Cabinet's initial response of the 14th June 2018 on its review of Park Mall and International House. The report provided Cabinet with an update and proposed responses to the original recommendations made by Overview and Scrutiny in April. The Portfolio Holder thanked Overview and Scrutiny for the helpful work they had undertaken on this subject.

The Portfolio Holder for Finance and IT explained the reasons why it was not proposed to adopt recommendation (ii). He said it was difficult to put an empirical value on social value yields. Many of the investments made had a value to the community above and beyond financial considerations. Return targets for individual projects were undertaken and set out in the initial appraisals, These were agreed at the time of purchase and reported in the Annual Report each year, but again many investments were made with social worth objectives in mind and this was covered in recommendation (iii).

Resolved:

- That**
- (i) expenditure of £14,000 over a three year period be authorised to carry out Red Book valuations for the Council's Commercial Investment Portfolio, starting with International House.**
 - (ii) a framework for social value yields and return targets will not be adopted.**
 - (iii) investment and social value objectives will be included within future investment appraisals.**

145 Overview and Scrutiny Recommendations to Cabinet on Kent Savers

The Leader introduced the report which contained recommendations from Overview and Scrutiny about the Council working with the Kent Savers Credit Union and an additional recommendation from Management Team about the Cabinet actively promoting Kent Savers to residents and Council staff. The Leader advised that the Council had previously looked at Kent Savers about four years ago and had decided at that time not to join, but the organisation had now grown and he was pleased that the Council would be getting involved going forward. He proposed two further recommendations related to a review period and any future financial commitments.

Members said they were very supportive of the proposals and Credit Unions in general. They offered a good opportunity for those on low incomes or with low credit ratings to save small amounts of money and at a much better rate of interest than with a bank or building society. It also allowed individuals to improve their credit score by repaying a loan. Credit Unions also provided an alternative option to those who may feel forced in to engaging with Pay Day Loan companies who charged much higher rates of interest.

Resolved:

- That**
- (i) the Cabinet instruct Officers to work with Kent Savers to establish a working relationship and identify ways in which the Council and Kent Savers can work together, with particular reference to homelessness prevention and relief.**
 - (ii) the Cabinet actively promote Kent Savers to residents and Council staff.**
 - (iii) a Bi-Annual review of the proposals be reported to the Cabinet, the first of which would be in September 2020.**
 - (iv) no further financial commitment be made to Kent Savers without Cabinet approval.**

Recommended:

That the Council contribute a subordinated loan of £10,000 to Kent Savers to support their work.

146 Quarter 1 2018/19 Performance Report

The report summarised performance against the Council's newly agreed suite of Key Performance Indicators (KPIs) for Quarter 1 (1st April to 30th June) 2018/19. Certain Performance Indicators from the previous Council framework had been retained and allowed for historic data comparison, however a number of new Performance Indicators had been agreed upon for which data was only available for the last quarter. A summary of all KPIs was appended to the report.

The Portfolio Holder for Finance and IT introduced the report and advised that the new framework would provide much more useable and transferrable data and it would be of use to all Portfolio Holders and Service Heads within their Services. He thanked the Officers involved with devising the new format and they all welcomed feedback over how this could be developed. With regard to gas safety certificates, whilst these were not included within the new report he assured Members that these were still monitored by the Council.

Resolved:

That the performance data for Quarter 2018/19, as at Appendix 1 to the report, be received and noted.

147 Corporate Property Performance – Annual Report 2017/18

The Portfolio Holder for Corporate Property introduced the report which advised that the revenue generated by the Council's Corporate Property portfolio contributed significantly to the Council's income. The income generated for the financial year ending March 2018 was shown in the schedule attached at Appendix 1 to the report. He explained that the Council had experienced a good year in respect of the income it had generated, which amounted to just over £2m after internal recharges. The report also updated on work the Council was undertaking to explore ways to make the existing portfolio more profitable and to seek additional investment opportunities.

Resolved:

- That (i) the revenue performance of the Council's corporate property portfolio during the previous twelve months as provided for in the schedule at Appendix 1 to the report be noted**
- (ii) the work undertaken to increase profitability and investment activity during the previous twelve months and going forward be noted.**

148 Financial Monitoring – Quarter 1 2018/19

The Portfolio Holder introduced the report which presented the forecast outturn for 2018/19 based on actual information to the end of July 2018. The report covered the performance and forecasts of the General Fund and the Housing Revenue Account, with commentary supporting key variances in the body of the report.

Resolved:

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
- (ii) the capital monitoring and treasury management positions be noted.**

Recommended:

That the fees and charges at Appendix B to the report be approved.

149 LGA Peer Challenge Review

The Leader introduced the report which advised that in April 2018 the Council had welcomed a team of Councillors and Senior Officers from Local Government Association (LGA) member Authorities to complete a peer challenge of the Council's corporate governance. He advised that the final report of the peer challenge team gave high praise to the Council's approach, ambition and impact. The report also noted that the Big 8 Projects and the regeneration of Ashford Town Centre would not have been achieved without the Council's leading and dynamic role. The team had spent four days at the Council, during which they had spoken to more than 90 people including Councillors,

staff, external partners, and their final report made ten key recommendations to the Council. He said the whole exercise had been extremely worthwhile and both the Cabinet and Management Team welcomed the recommendations.

Resolved:

- That (i) the final report and recommendations of the peer challenge at Appendix 1 to the report be noted and the report be approved for publication.**
- (ii) the Peer Challenge Action Plan at Appendix 2 to the report be approved.**

Recommended:

- That (i) a budget of £150,000 be allocated for accelerated delivery of the Digital Transformation Programme.**
- (ii) authority be delegated to the Chief Executive to approve the detailed spend of the £150,000 allocation.**

150 Residents' Survey

The Leader introduced the report which set out the results of the Residents' Survey undertaken between March and April 2018. The results had shown that overall Ashford Borough Council was performing well with residents being satisfied with many of the key services. The results had also highlighted areas in need of improvement and an Action Plan had been developed to address those issues (attached at Appendix 2 to the report). It was proposed that follow up surveys be undertaken every two years to monitor changes in public opinion over time.

Resolved:

- That (i) the results from the 2018 Residents' Survey be received and noted.**
- (ii) the Action Plan arising from the results of the residents' survey be approved.**
- (iii) further surveys be undertaken every other year to monitor key trends in public opinion and focus on specific areas of interest.**

151 Taxi Licensing Policy Amendments

The report presented a number of amendments to the Taxi Licensing Policy 2017-2022, adopted in October 2017, to ensure that it remained up to date and improved public safety. These were set out in Paragraphs 5 (i) – (vi) of the report.

The Environmental Protection and Licensing Team Leader introduced the report and ran through the proposed amendments. He also drew attention to the Tabled Paper which explained that the proposed amendment set out in Paragraph 5 (i) was not required.

Recommended:

- That (i) the proposed amendments to the Taxi Licensing Policy 2017-2022 be adopted, with the exception of that in Paragraph 5(i) of the report.**
- (ii) as a result of (i) above, point 1 of the Terms of Reference of the Appeals Committee be amended to reflect that appeals against decisions taken on taxi licensing are also precluded from being heard and determined by that Committee.**

152 Review of the Chilmington Green Area Action Plan

The Portfolio Holder introduced the report which explained that a formal review of the Area Action Plan (AAP), adopted in July 2013, was now necessary to be consistent with planning regulations. The review had concluded that no revisions to the AAP were needed now and that the AAP was not 'out of date' with the recently published National Planning Policy Framework (2018).

Resolved:

- That (i) the conclusion of the review that the policy framework in the Chilmington Green Area Action Plan (AAP) remains broadly up to date with the policy approach of the National Planning Policy Framework be agreed.**
- (ii) no revisions to the Chilmington Green AAP, in whole or in part, are required at this stage.**
- (iii) the Council will undertake another formal review of the Chilmington Green AAP by September 2023.**

153 Public Space CCTV Upgrade

The Portfolio Holder introduced the report which addressed the upgrade of Ashford's public space CCTV cameras, back-office equipment and changes to transmission arrangements. The report also identified additional funding requirements associated with a move to a fully digital enabled network incorporating the Kent Public Service Network. He advised that the move would provide another opportunity for this Council to become more entrepreneurial by being able to easily take on monitoring of cameras for other organisations.

Recommended:

That an additional capital investment of £260,000 be approved to replace the Ashford and Tenterden public space CCTV cameras, associated back office equipment and update transmission arrangements.

154 Kent Municipal Joint Waste Management Strategy - Refresh

The Portfolio Holder introduced the report which gave an update on the very light touch refresh of the Kent Municipal Joint Waste Management Strategy, through the Kent Resource Partnership, which the Cabinet was asked to adopt. A fuller refresh was expected in 2020/21 following anticipated new guidance from Central Government and legislative adjustments following Brexit. She advised that provisional figures to the end of March 2018 showed that recycling figures in Ashford had again increased to 56.6% and this was further good news that was a credit to the residents of the Borough.

In response to a question from a Member the Portfolio Holder advised that there were no plans to reduce the frequency of waste collections in Ashford.

Resolved:

That the refreshed Kent Municipal Joint Waste Management Strategy be adopted.

155 WYE3 Masterplan

The report set out the content of the draft WYE3 Masterplan that had been prepared to establish the mix and quantum of uses appropriate for the redevelopment of the former Imperial College campus at Wye and the outcomes of the recent public consultation exercise on the draft Masterplan. The Cabinet was asked to adopt the Masterplan as informal guidance for development management purposes, subject to amendments set out in the report. The Portfolio Holder advised of a proposed addition to the recommendations with regard to the potential for including grey water measures.

In accordance with Procedure Rule 9.3 Mr Jarman, representing Telereal Trillium, the owners of the site, spoke in support of the proposals. He firstly wanted to express their gratitude to the Officers of the Council, the Parish Council, the local community and the many other organisations who had contributed to the process of preparing the Masterplan. All would be aware that it had been a very intensive process, over a couple of years, and all participants had assisted in bringing the Masterplan to a point he thought all should be proud of. The Masterplan had been subject to a very extensive period of public consultation, including the Parish Council and other bodies, and this had included whole day workshops in January and May 2017, exhibitions in May and September 2017 and further public consultation following the publication of the draft in April 2018. They were pleased to note the positive support of the Masterplan of the Kent Downs AONB Unit, Southern Water, the Environment Agency and KCC Highways and Public Rights of Way. Both Historic England and Natural England had been involved in the process and neither had made any objections. He advised that Highways issues were always a contentious issue in any development plan like this, and KCC Highways had reviewed the very detailed submissions made by their consultants and those commissioned by the Parish Council, to include looking at impact on the level crossing. KCC's view, which they shared, was that the very few occasions that level crossing queues failed to clear were when the Assistant helpfully opened the gates for a very short period of time to allow a few vehicles through – between 45 and 90 seconds at a time, when you could not expect a longer queue to clear. With regard to more general traffic modelling considerations, KCC agreed entirely with all of the other assumptions in

the submitted studies, however the traffic studies had been submitted from scratch so they had looked at every single junction in Wye as well as the level crossing and the junctions with the major roads. In all respects neither safety or capacity issues had been identified. He said that the report before the Cabinet concisely and succinctly summarised all of the key points and they were happy to confirm their full agreement to all of the Task Group's recommended changes. He said that it was almost 10 years since the College closed and it was greatly important that progress was now made in bringing the disused buildings and land back in to productive use, both in terms of benefitting the local area and the wider community. This would provide for new homes, new business floor space and community facilities, as well as restoration of the important listed building complex. In conclusion he said that they firmly believed that the Masterplan before the Cabinet was a very well-considered, effective and robust document and he hoped that they would accept the recommendation to adopt it as informal guidance for development management purposes when determining planning applications in the WYE3 area.

In accordance with Procedure Rule 9.3 Mr Bartley of Wye with Hinxhill Parish Council spoke in objection to the proposals. He said he knew that as Cabinet Members they needed to rely on their Officers to arrange for such consultation exercises and to make recommendations at the end of a fair, thorough, compliant and open process. However, he considered that the WYE3 Masterplan fell well short of those expectations. The Parish Council had raised failures of process repeatedly with Senior Officers for over a year, but only now was the extent of these failures being laid bare. The Neighbourhood Plan was based on evidence and formed part of the development plan. In contrast the Masterplan proposed fundamentally departed from that, based largely on what he viewed as Officers' opinion. This put the Masterplan in conflict with the Council's adopted policy. He advised that consultation on the Masterplan closed on the 8th May, but response papers had only started to emerge since the 30th August. Only this past week it had become clear that public responses were missing from the Council's schedule and therefore they had not been considered. One example was a resident who had raised six clearly numbered points, but the schedule showed only one, whilst another resident had raised six clearly numbered but different points, but the schedule only showed three of these. Traffic was the single most important issue for Wye residents, particularly the level crossing delays. Last year the Parish Council commissioned its own traffic review from MLM Group to challenge the developers assertions and backed MLM's findings with a seven day video of the level crossing. This confirmed the reality that the level crossing did not always clear, even when the trains did run on time. The MLM review had been with the Council since May, but it was only sent to KCC Highways for review yesterday. He also considered that the process did not start with an open minded assessment of all options. For example, the Wye Neighbourhood Plan Examiner's Report (para. 44) referred to the "...potential for a wider range of options to be considered, particularly with regard to the potential use of the ADAS site..." Despite this signal, the developer dismissed all attempts to raise other options. As such he considered that the consultation was not meaningful or transparent. The series of engagement events were in his view essentially box ticking exercises, which produced little to show for the large commitment of public time and money. Several public comments, not just those from the Parish Council, made these failings very clear. Traffic and drainage reports were retrofitted to support the developer's original layout and quantum. As such, these key constraints did not inform the initial workshops and exhibitions. Consequently the process had not met the core aims of the Statement of Community Involvement, for example 'clear concise documents' nor had it

'kept people informed'. Furthermore the lack of response forms in the public library ignored the needs of Wye's elderly population and approximately 20% of its residents who had no internet access. For those and other reasons, he urged the Cabinet to defer consideration of this item.

The Leader said that the Council always listened to and took account of comments received, and indeed the Local Plan and Planning Policy Task Group, which he chaired, had already proposed significant changes to the proposals. This area had been a subject of discussion for a number of years and Wye was viewed as a special heritage village and a historically important part of the Borough. He had been made aware of the fact that the latter traffic survey had only been sent to KCC the previous day and he therefore proposed agreement of the recommendations, but subject to that traffic survey being assessed with no impediment and that the recommendations would not come into force until confirmation of that fact had been received back from KCC. This would also give Officers an opportunity to look into the other claims that certain documents had not been considered that should have been, and that the recommendations would be subject to those points.

The Ward Member thanked the Cabinet for their proposal to defer. He said that whilst he could accept that all parties would never be completely satisfied by the outcome of a Masterplan, he could not accept that parties felt there were omissions in the process and they felt aggrieved because they did not feel they had been informed during the process. A happy outcome was very much balanced by that so he welcomed the opportunity to clarify the facts of this correctly, including all of the points raised by the Parish Council at this meeting.

Resolved:

That, subject to: -

- (a) a satisfactory response with no impediment to the Masterplan being received from KCC Highways on the MLM traffic assessment, and**
- (b) Officers checking that all written points made to the Council as part of the formal consultation on the draft Masterplan have been considered, the draft Masterplan for WYE3 be adopted as informal guidance for development management purposes, subject to the following amendments: -**
 - (i) Change wording to the appropriate Planning and Design Principles section to include further general principles sections on drainage/SUDs and grey water measures in accordance with the items set out in Paragraphs 57 and 63 of the report.**
 - (ii) Confirm that the area known as the 'Strawberry Field' should be retained free from built development and all references to future development should be omitted.**
 - (iii) Any other minor amendments considered necessary by the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Development.**

156 Ashford College Campus – Use of Chief Executive’s Delegated Authority

The report informed Members of the use of the Chief Executive’s delegated authority on the grounds of urgency to vary the approved funding agreement between the Council and West Kent and Ashford College. This was in order to confirm the conversion of the £2million loan for Phase 1 to grant before the delivery of Phase 1a.

Resolved:

That the use of the Chief Executive’s delegated authority on the grounds of urgency (Part 3, Appendix 5 of the Constitution, section 4.9) to vary the approved Funding Agreement in order to agree to the £2million grant for Phase 1 of the Ashford College campus being converted to grant in advance of the delivery of Phase 1a, be noted.

157 Trading and Enterprise Board – 6th August 2018

Resolved:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 6th August 2018 be received and noted.

158 Local Plan and Planning Policy Task Group – 19th and 30th July 2018

Resolved:

That the Notes of the Meetings of the Local Plan and Planning Policy Task Group held on the 19th and 30th July 2018 be received and noted.

159 Ashford Strategic Delivery Board – 27th July 2018

Resolved:

That the Notes of the Meeting of the Ashford Strategic Delivery Board held on the 27th July 2018 be received and noted.

160 Economic Regeneration and Investment Board – 6th July 2018

Resolved:

That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 6th July 2018 be received and noted.

161 Ashford Town Centre Place Making Board – 19th July 2018

Resolved:

That the Notes of the Meeting of the Ashford Town Centre Place Making Board held on the 19th July 2018 be received and noted.

162 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.

163 Overview and Scrutiny Recommendations to Cabinet – Chilmington Management Organisation

The report presented a number of recommendations from the Overview and Scrutiny Committee's examination of the Chilmington Management Organisation. The report also contained comments from Management Team which proposed amendments to the original recommendations. In particular that recommendations (i), (ii) and (iv) be adopted, but with the understanding that the limits of the Council's powers may preclude the Council from fully enacting those recommendations.

Resolved:

- That**
- (i) Where developments are granted planning permission within which a management company will be established, planning conditions should be stipulated which require that the Local Planning Authority be notified of the management company's formation and registration with Companies House (taking account of changes in Management Company that may come about). Developers must also detail how residents will be involved in the management of the company and their rights, and the Local Planning Authority should approve this. This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution.**

 - (ii) Where developments are granted planning permission within which a management company will be established, planning conditions should be stipulated which require the developer to supply prospective occupiers of new dwellings with comprehensive information on the management arrangements for the development, (taking account of changes in Management Company that may come about) including such information as:**
 - The Right to Manage (for leaseholders)**
 - Residents' rights under a management company**

- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company

This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution, and it may be best achieved through including a dedicated page on the Council's website which signposts residents to information held on www.gov.uk

- (iii) The Council produce a 'Resident Trustee Pack' for occupiers of existing and new developments with a management company, including such information as:

- The Right to Manage (for leaseholders)
- Resident's right under a management company
- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company.

This resolution may be best achieved through including a dedicated page on the Council's website which signposts residents to information held on www.gov.uk

- (iv) The Council establish and maintain a record of all Management Companies operating in the borough and the assets that these companies maintain. This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution.

- (v) The Council lobby central Government to introduce a legal requirement for resident Management Companies to register with the relevant local planning authority.

Audit Committee

Minutes of a Meeting of the Audit Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **27th September 2018**.

Present:

Cllr. Waters (Chairman);
Cllr. Barrett (Vice-Chairman);

Cllrs. Mrs Dyer, Hicks, Link, Shorter, Suddards.

Apologies:

Cllr. Smith.

Also Present:

Director of Finance and Economy, Head of Environment & Land Management, Head of Corporate Property & Projects, Procurement & Support Manager, Investigation & Support Manager, Audit Manager, Programme Manager, Member Services Officer.

Audit Director – Grant Thornton UK.

175 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 10th July 2018 be approved and confirmed as a correct record.

176 Internal Audit Charter

The Audit Manager drew attention to the revised Internal Audit Charter. The revisions included the simplification of wording and removal of audit jargon, more detail on the international standards and principles that apply to internal audit, a glossary of terms and the requirement for an annual review of the Charter.

The Chairman advised Members that the Audit Committee had felt it appropriate for the Internal Audit Charter to be reviewed on an annual basis, as it had previously been reviewed on an exception basis. He had spoken to the Audit Manager prior to the meeting regarding some minor 'tweaks' to the document, however these were not material amendments. Once these had been completed the document would be signed off by the Chairman of the Audit Committee, Director of Finance & Economy and the Head of Audit Partnership.

Resolved:

That the Audit Committee approves the Internal Audit Charter.

177 Corporate Enforcement Support & Investigations Team Annual Report 2017/18

The Investigation & Support Manager advised that 2017/18 had been a busy year for the Team, with new areas of work and the report before the Committee followed previous reports regarding the re-direction of the Investigation Service.

Should the use of RIPA and directed surveillance be required then this would be used to its full ability. It was important to ensure that actions were proportionate and RIPA was a last resort. The team was well equipped to investigate matters and had done so during 2017/18 without requiring the use of RIPA.

The Investigation & Support Manager advised that a grant was received from KCC for the work undertaken by the Team, it should be noted that some of the money saved or clawed back by the Investigation Service went directly to KCC.

Referring to Social Housing fraud, the Chairman questioned how the figure quoted as returned to the Council was reached. The Investigation & Support Manager drew attention to a 2010 court case where it was determined that the cost to rebuild said property should be used to quantify savings made. The figures given at that time were seemingly undervalued but this was the basis used in the report. There was some debate on whether this approach provided quantifiable data and figures and the Investigation & Support Manager undertook to investigate this area further with revised benchmarking data to be used in the 2018/19 Annual Report.

It was noted that there were a number of abbreviations contained within the report that laymen may not understand, these would be explained fully in future reports.

The Director of Finance & Economy advised that in respect of flytipping prosecutions £1696.77 had been awarded, which was a combination of costs, clear up and victim surcharge.

The Committee were particularly interested in the work being undertaken to protect the Councils Right to Buy scheme. Applications had been reduced by 13% following the requirement for due diligence checks before proceeding with the scheme. Checks were undertaken to ascertain if those completing purchases through the scheme were still in their properties during the five year required period, however historic cases could not necessarily be assessed in such a manner.

The Investigation & Support Manager advised that there was a requirement to reapply for Small Business Rate Relief with a verification process requiring completion. Of 200 businesses, 15% did not reapply for rate relief when informed verification would be required, there was a cool off period during which they could reapply. Once this had passed further work would be undertaken to ascertain if any of the claims were fraudulent.

Turning to the information contained within Appendix A to the report, the Committee were astounded by the potential level of fraud and error that the Council could be exposed to. These figures did not include tenancy fraud or benefits fraud, but it suggested that the underlying level of fraud that Local Authorities could be exposed to was between 3%-5%. Taking this into account and the re-direction of the Investigation Service the Committee

were supportive of the request by the Investigation & Support Manager for an additional member of staff and felt that additional resources should be allocated to the section.

The Chairman congratulated the Investigation & Support Manager on the work undertaken to date and the results detailed within the report.

Resolved:

(i) That the Committee notes;

- a) the contents of the report regarding the last financial year.**
- b) the Fraud risk assessment**
- c) the current year pilot exercises.**

(ii) That the Committee supports the request for additional resourcing in the Investigations Team and requests a report to the next meeting on the progress with this.

178 Strategic Risk Register

The report provided an update on the latest information on the Council's Corporate Risk Register. This was the second report to the Committee in its revised format with many risks reduced and within tolerance levels. One new risk had been added in respect of the laptop roll out to staff. The Programme Manager assured the Committee that whilst this was a new risk particularly in relation to data protection, there had been significant communication and guidance issued to staff affected by this roll out. Additionally, it should be noted that services were in the process of reviewing service plans, wherein risks and actions would be formed. Further, all risks were reviewed on a monthly basis.

There was considerable debate regarding the impact of Brexit on the Council and whilst it was noted in the report it was not on the risk register. The Director of Finance and Economy advised that the Director of Law & Governance was the corporate lead on Brexit and work was being undertaken in conjunction with KCC and emergency planning teams with particular regard to the highway network and any impact that may have on the Borough and surrounding areas. He assured the Committee that Management Team had held numerous meetings on the topic and were keeping a close eye on developments.

In response to questions regarding the Council's request to increase the Housing Revenue Account debt cap, the Programme Manager advised that there was a risk however it was reduced due to the Council's successful affordable homes programme and the formal bid process having been undertaken.

Resolved:

That

- (i) the Audit Committee notes the Corporate Risk Register and the assessments and the adequacy of key controls to manage the risks.**

- (ii) **Brexit be included on the Risk Register and a report be presented to each Meeting of the Committee to provide clarity and understanding on the Council's activity in respect of Brexit.**

179 Contract Management Update

Following internal training, a review of contract management and extensive analysis of spend and supplier information had been conducted. The report before the Committee detailed progress to date and a forward plan to develop a more proactive category based procurement and contract management lifecycle approach, to improve the structure, management and delivery of contracts.

The Chairman congratulated the Head of Environmental and Land Management on a compelling report, it was clear that this work was part of a cultural change in the Council towards a more self-sufficient mind-set. He requested that the content and detail in this 'fantastic' report be noted.

The Portfolio Holder for Finance & IT commended the report to the Committee and felt that it was right and proper for the Council to proceed in this manner.

Resolved:

That the Committee endorses the proposed Contract Management Strategy and new approach.

180 External Audit: 2017/18 Annual Audit Letter

The Audit Director – Grant Thornton UK advised that the Annual Audit Letter provided a summary of the works undertaken during 2017/18.

The Chairman noted that an unqualified opinion had been granted which he congratulated Officers on.

181 Report Tracker and Future Meetings

It was noted that Brexit would be added to tracker for future meetings of the Committee.

Resolved:

That, subject to the inclusion of Brexit on subsequent agendas, the Committee notes the schedule of meetings.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **23rd April 2018 at 10.00am.**

Present:

Cllr. Waters (Chairman);

Cllrs. Farrell, Hicks

Also Present:

Appellant, Appellant's Legal Representative, Appellant's Father.

Environmental Protection & Licensing Team Leader, Licensing Officer, Legal Advisor, Member Services Officer.

423 Election of Chairman

Resolved:

That Councillor Waters be elected as Chairman for this Meeting of the Appeals Committee.

424 Minutes

The Chairman did not feel it was appropriate to agree the Minutes of the previous meeting since no other members of the Committee had been present.

425 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, namely 'Appeal Against Refusal to Grant a Private Hire Drivers Licence and Private Hire Operators Licence' 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 paragraphs 1 and 2 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.

426 Appeal Against the Refusal to Grant a Private Hire Drivers Licence and Refusal to Grant an Operators Licence

The Councillors and Officers present were introduced. The Chairman welcomed all present and along with the Legal Advisor, both explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. He went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence and Private Hire Operators Licence.

The Appellant's Legal Representative then put his case to the Committee.

The Licensing Officer and the Appellant's Legal Representative answered questions from Councillors.

The Committee then retired to make its decision.

On the Committee's return, the Legal Advisor read out the 'Decision and Reasoning's Statement' that had been prepared by the Appeals Committee. Copies of this would also be sent to the Appellant and his Legal Representative after the meeting, along with the Minutes and a decision letter.

Resolved:

That the application for a Private Hire Driver's Licence and Private Hire Operators Licence be refused. No further application will be considered before 3 years from the date of conviction.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in Committee Room No. 1, Civic Centre, Tannery Lane, Ashford on the **4th May 2018 at 2pm.**

Present:

Cllr. Hicks (Chairman);

Cllrs. Link, Sims.

Apology:

Cllr. MacPherson.

Also Present:

Appellant, Appellant's Spouse.

Licensing Officer, Legal Advisor, Member Services Officer.

442 Election of Chairman

Resolved:

That Councillor Hicks be elected as Chairman for this Meeting of the Appeals Committee.

443 Minutes

Resolved:

That the Minutes of the Meetings of this Committee held on the 15th December 2017 at 10am and 11.30am be approved and confirmed as a correct record.

444 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, namely 'Appeal Against Refusal to Grant a Private Hire Drivers Licence' 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 paragraphs 1 and 2 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.

445 Appeal Against Refusal to Grant a Private Hire Drivers Licence

The Councillors and Officers present were introduced. The Chairman welcomed all present and explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. He went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence.

The Appellant, aided by his spouse then put his case to the Committee.

The Licensing Officer and the Appellant then answered questions from Councillors.

The Committee then retired to make its decision.

On the Committee's return, the Legal Advisor read out the 'Decision and Reasoning's Statement' that had been prepared by the Appeals Committee. Copies of this would also be sent to the Appellant after the meeting, along with the minutes and a decision letter.

Resolved:

That the application for a private hire driver's licence be granted subject to the satisfactory completion of a drugs test prior to the grant of the licence and the undertaking periodic drug testing every six months whilst the Appellant holds a licence until 30th June 2021, this being five years from the date of the Appellant's last drugs conviction. The drug testing should be at the Appellant's expense.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in Committee Room 1, Civic Centre, Tannery Lane, Ashford on the **9th May 2018 at 10am.**

Present:

Cllr. MacPherson (Chairman);

Cllrs. A. Howard, Link.

Apology:

Cllr. Sims.

Also Present:

Appellant, Appellant's Friend.

Licensing Officer, Legal Advisor, Member Services Officer.

451 Election of Chairman

Resolved:

That Councillor MacPherson be elected as Chairman for this Meeting of the Appeals Committee.

452 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, namely 'Appeal Against Refusal to Grant a Private Hire Drivers Licence' 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 paragraphs 1 and 2 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.

453 Appeal Against Refusal to Grant a Private Hire Drivers Licence

The Councillors and Officers present were introduced. The Chairman welcomed all present and explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers.

The Licensing Officer had submitted a report which outlined the case. He went through the case and explained the decision to refuse to grant the Appellant a Private Hire Drivers licence.

The Appellant, aided by his friend then put his case to the Committee.

The Licensing Officer and the Appellant then answered questions from Councillors.

The Committee then retired to make its decision.

On the Committee's return, the Legal Advisor read out the 'Decision and Reasoning's Statement' that had been prepared by the Appeals Committee. Copies of this would also be sent to the Appellant after the meeting, along with the minutes and a decision letter.

Resolved:

That the application for a private hire driver's licence be refused and the Officers decision upheld.

Appeals Committee

Minutes of a Meeting of the Appeals Committee held in Committee Room 1, Civic Centre, Tannery Lane, Ashford on the **9th May 2018 at 11.40am.**

Present:

Cllr. MacPherson (Chairman);

Cllrs. A. Howard, Link.

Apology:

Cllr. Sims.

Also Present:

Appellant.

Licensing Officer, Environmental Protection & Licensing Team Leader,
Administration Officer, Building Superintendent, Legal Advisor, Member Services
Officer.

454 Election of Chairman

Resolved:

That Councillor MacPherson be elected as Chairman for this Meeting of the Appeals Committee.

455 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, namely 'Appeal Against the Revocation of a Private Hire Drivers Licence' 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 paragraphs 1 and 2 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.

456 Appeal Against the Revocation of a Private Hire Drivers Licence

The Councillors and Officers present were introduced. The Chairman welcomed all present and explained the procedure to be followed. The Committee confirmed that they had received and read the agenda papers. The Chairman advised all those present that mobile phones must be turned off for the duration of the meeting.

The Licensing Officer had submitted a report which outlined the case. He went through the case and explained the decision to revoke the Appellant's Private Hire Drivers licence.

The Appellant then put his case to the Committee.

The Licensing Officer and the Appellant then answered questions from Councillors.

The Committee then retired to make its decision.

On the Committee's return, the Legal Advisor read out the 'Decision and Reasoning's Statement' that had been prepared by the Appeals Committee. Copies of this would also be sent to the Appellant after the meeting, along with the minutes and a decision letter.

Resolved:

That the application for the appeal against the revocation be refused.

Agenda Item No: 14
Report To: COUNCIL
Date of Meeting: 18th OCTOBER 2018



Report Title: CONSIDERATION OF A PETITION FROM “RURAL MEANS RURAL” RECEIVED BY THE COUNCIL

Report Author & Job Title: Vivien Williams – Head of Legal & Democracy
Tim Naylor – Head of Planning & Development
Portfolio Holder: Cllr. Neil Bell (Legal & Democracy)
Portfolio Holder for: Cllr. Paul Clokie (Planning)

Summary: At the Cabinet meeting on 12th July 2018 a petition was submitted by a local group – Rural Means Rural. As the petition contained more than 1500 valid signatures, in accordance with Ashford Borough Council’s Petitions Scheme, it should now be debated at a Full Council Meeting to which all elected Members are invited. The procedure to be followed at the meeting is attached to this report, along with advice from Officers on the substance of the petition.

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CONSIDERATION OF A PETITION FROM “RURAL MEANS RURAL” RECEIVED BY THE COUNCIL

Introduction and Background

1. At the Cabinet meeting on 12th July 2018 a petition was submitted by a local group – Rural Means Rural. The citation of the petition is as follows: -

“The campaign for Rural Means Rural is the voice of residents in the villages surrounding Ashford, Kent, who are concerned about the inappropriate housing development in the countryside and damage to the rural environment.

The petition calls specifically for the incorporation of our Landscape Protection Policy into the National Planning Policy Framework and for Ashford Borough Council to adopt this into their Core Plan 2030.

We are calling for:

Aldington to be given a rest from further development

Safeguard Shadoxhurst with a green belt to maintain its distinct identity

Keep Ruckinge and Bromley Green small and rural

Keep Brook green

Protect Hamstreet

(and others soon to follow...)

2. As the petition contains more than 1500 valid signatures, in accordance with Ashford Borough Council’s Petitions Scheme, it should now be debated at a Full Council Meeting to which all elected Members are invited. The procedure to be followed at the meeting is detailed at Paragraph 3 of this report. Advice from Officers on the substance of the petition is contained from Paragraph 4 onwards.

Procedural Matters

3. The Council’s Petitions Scheme provides for the following: -
 - If a Petition has, or acquires 1500 valid signatures, the issue will be debated at a full Council Meeting to which all elected members are invited.
 - At such a meeting, the Petition Organiser, in this case Mrs. Linda Harman (from Rural Means Rural), or someone nominated on her behalf will have the right to speak about the petition, normally for up to 10 minutes. Reasonable advance notice will be provided to ensure that any preparation can be undertaken in time – Mrs Harman has requested to speak and was advised in writing of the date for this meeting on the 17th July. Public speakers will not be allowed to take part in any debate.

- The Chairman of the Meeting will decide upon the amount of time to allow for the debate on the Petition, and will take account of the degree of public interest in the issue, the level of support given to the Petition and the number of elected members wishing to express their views on the subject.
- The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the Petition and that there should be a decision taken as to what other steps (including but not restricted to the actions specified below) should also be taken as a response.
- Among the actions the Council may undertake are one or more of the following:-
 - Taking the action requested in the Petition
 - Considering the Petition at a Council Meeting
 - Holding an Inquiry
 - Commissioning relevant research
 - Organising a public meeting
 - Mounting a wider public consultation
 - Meeting with the Petition Organiser or representatives of signatories
 - Providing a written response outlining the Council's views on the subject
 - Referring the issue to the Council's Overview & Scrutiny Committee **OR**
 - Referring the issue to the relevant Committee
 - Consulting statutory partners and local service providers
 - Instigating discussions with the voluntary and community sectors
 - Make representations to Commercial or other Interests
- The Petition Organiser will be formally notified of the decision taken at the Council meeting. This will take place within 5 working days.

Members are reminded of the Rules of Debate at Full Council Meetings (outlined at Part 4, General Procedure Rules, Section 13 of the Constitution, and appended to this report at Appendix A). Of particular note are the following points: -

- **Only one speech per Member, per motion. No speech to exceed five minutes.**
- **No motion to be debated until seconded.**
- **Amendments can only change the wording of a motion – not negate the effect of the motion.**
- **Once a motion is under debate, no other motion can be moved.**

Officers' Advice

4. The following advice is intended to provide Members with the background relating to the action that the petition seeks, i.e. the inclusion of the proposed Landscape Protection Policy (LPP) into the Local Plan 2030.
5. It should be noted that the petition calls for the proposed LPP to be incorporated *'into the national planning policy framework'*. Members will be aware that this is not within the remit of the Council as national policy is determined by central Government. It is therefore only the element of the petition that relates to the Borough Council 'adopting' a specific LPP into 'the Core Plan 2030' which is of relevance. It is assumed that the 'Core Plan' means the Local Plan 2030.
6. It should also be noted that the petition suggests *'others soon to follow'* which is assumed to mean other settlements or areas in the borough that were soon to follow those listed in the petition in asking for a specific policy of protection. No further communication has been received on this and no guidance was offered as to when this might happen. The advice below is therefore limited to the general principle of the issues being raised.

Previous Consideration of Landscape Protection Policy

7. The initial proposal: The proposal for a landscape protection policy of the type being promoted through the petition was first discussed with planning officers in 2016, during the Local Plan 2030 preparation process. A draft policy was prepared by Peter Brett Associates (PBA) – a planning consultancy - on behalf of, initially, Aldington, Bilsington and Bonnington Parish Councils, and subsequently Brabourne and Smeeth Parish Councils.
8. In summary, it sought to provide specific policy coverage to protect certain areas from development pressure. Exact areas were not identified, but the 'unique' environment around a number of villages was cited as being important, as well as the surrounding wider countryside, landscape and a range of other local features that contribute to the rural character of the area, including historically and ecologically important spaces around settlements.
9. Local Plan & Planning Policy Task Group – 18th April 2017: The merits of the proposed local landscape protection policy were presented to members in a report to the Local Plan and Planning Policy Task Group on the 18th April 2017 for debate.
10. In recognition of the concerns raised the Task Group resolved to amend and strengthen the Council's draft Policy ENV3 on Landscape Character and Design to create Policies ENV3a and ENV3b and agreed that "the remainder of the Plan, as written, and existing landscape designations, are sufficient to address the concerns of the PBA report for Saxon Shore".
11. The Notes of that Task Group meeting were received and noted at Cabinet on 15th June 2017.

12. Proposed Main changes to the Local Plan 2030 – summer 2017: The Council consulted on a number of proposed changes to the draft Local Plan 2030 in the summer of 2017 for a period of 8 weeks. These changes both responded to formal comments on the 2016 publication version of the Local Plan and also reflected changes to national policy. The changes to Policy ENV3 referred to above were included at this stage.
13. As part of this consultation, PBA (on behalf of the 'Rural Means Rural' group) made representations that urged the Council to include a specific landscape protection policy in the Local Plan 2030. These representations, along with all others, were forwarded to the Inspectors for consideration as part of the Examination.
14. Local Plan Examination in Public – ongoing (round table discussions with Inspectors held between April and June 2018). As part of the Examination in Public, the Local Plan Inspectors held a hearing session on the 13th June 2018 into the proposed Environment Chapter policies in the Submission version of the Local Plan. Prior to this session, a Hearing Statement was submitted by PBA on behalf of 'Rural Means Rural' which again sought to make the case for their proposed local landscape protection policy being included in the Local Plan. At the hearing session itself, the 'Rural Means Rural' group were also represented by PBA and made their case in favour of their proposed policy directly to the Inspectors.
15. On the 29th June, the Local Plan Inspectors issued a post-hearing Advice Note to the Council. With regard to the environmental policies in the Local Plan 2030, the Inspectors did not raise any significant concerns regarding their soundness, nor did they recommend that the Council should introduce a further specific policy on landscape protection.
16. Whilst the post-hearing Advice Note does not provide the Inspectors' final conclusions regarding soundness and legal compliance of the Local Plan, it does provide the Inspectors' advice to the Council as to the matters of soundness regarding the Local Plan 2030, given the evidence presented to date, and has provided clear indication as to the areas of the Plan that require further modification in order to be considered sound.
17. No specific landscape protection policy is being requested and so it can be concluded that the Inspectors have not been persuaded of the need or justification for the Local Plan to include the proposed Landscape Protection Policy advocated in this petition.

Potential Implications for the Current Local Plan Process

18. The Inspectors have advised that subject to the outcome of the current process of consultation on Main Modifications to the Local Plan, they expect to present their final report to the Council in January 2019, which would enable the Council to adopt the Local Plan in February 2019. If the Council wanted to change its position now and seek to include the proposed policy in the Local Plan, there are some very significant implications which need to be identified.

19. Firstly, any new policy introduced at this very late stage of the Local Plan process would need to be justified by an evidence base, considered for Sustainability Appraisal if required, and publicly consulted on for a minimum of 6 weeks. Any representations received would need to be considered by the Local Plan Inspectors and it is possible that the Examination hearings may have to be re-opened to discuss them. As a minimum, the effect of an additional assessment and consultation period at this stage would have the effect of delaying the process of adopting the Local Plan well beyond the currently expected timescale of February 2019.
20. Any significant delay to the adoption of the Local Plan 2030 could have damaging consequences, for example, in reducing the ability to demonstrate a plan-led approach to meeting the 5 year housing supply requirement for the borough.
21. Secondly, a specific landscape protection policy (or something similar) would need to be justified in order for it to be successfully defended at a future Examination in Public. There would be a risk, given the Inspectors' interim conclusions, that this may not be possible where such a policy seeks a general restriction on development attributed in specific areas. Consequently, there would be a risk that the proposed landscape protection policy would not be found sound and the Council would, after consultation and consideration by the Inspectors, be required to reverse its position.

Conclusion

22. As set out above, the issue of whether a specific landscape protection policy should be included in the Local Plan 2030 has been comprehensively considered and debated through the plan making process. This includes the promotion of a revised and strengthened Landscape Character and Design Policy by the Council, and debate at the recent round table discussions of the Examination in Public, an independent part of this process. Both the Council and the promoters of the LPP (who were professionally represented) presented their respective cases. Following this extensive process, the Inspectors' interim conclusions are clear – as set out in their interim Advice Note issued in June this year.
23. In summary, it is clear that the petitioners' case for the inclusion of their proposed policy has been the subject of considerable debate and discussion at several different stages of the Local Plan process and has been the subject of independent assessment and analysis through the recent Examination hearings. That is the right and proper process to have been followed. The Local Plan is now in the hands of the Inspectors and their report to the Council is expected shortly.

13. Rules of Debate

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Proper Officer before it is discussed.

13.3 Seconders' Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

13.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

13.5 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;*
- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since s/he last spoke (see 13.6 (d) and (e) below);*
- (c) if the Members first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried) (see 13.10 below);*
- (d) in exercise of a right of reply (see 13.9 below);*
- (e) on a point of order (see 13.13 below); and*
- (f) by way of personal explanation (see 13.14 below).*

13.6 Amendments to Motions

(a) *An amendment to a motion must be relevant to the motion and will either be:*

(i) *to refer the matter to an appropriate body or individual for consideration or reconsideration;*

(ii) *to leave out words;*

(iii) *to leave out words and insert or add others; or*

(iv) *to insert or add words.*

as long as the effect of (ii) to (iv) is not to negate the motion.

(b) *Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. A Member may, however, give notice of a further amendment (see, however, 13.7(c) below).*

(c) *The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the business BUT each amendment must be voted on separately.*

(d) *If an amendment is not carried, other amendments to the original motion may be moved.*

(e) *If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.*

(f) *After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.*

13.7 Alteration of Motion

(a) *A Member may when moving a motion of which she/he has given notice alter it with the consent of the meeting and the other signatories. The meeting's consent will be signified without discussion.*

(b) *A Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.*

(c) *Only alterations which could be made as an amendment may be made.*

13.8 Withdrawal of Motion

A Member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of Reply – Proposer of Motion Only

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

13.10 Right of Reply – Upon Amendment to Motion

At the end of a debate on an amendment to a motion the order in which Members may speak is as follows:

- (a) the mover of the amendment may respond to comments made during the debate;*
- (b) the Chairman of the relevant Committee or Leader or appropriate Cabinet (Executive) Member, if that Member has not already spoken in the debate otherwise than in accordance with Rule 13(12) and 13(13);*
- (c) the mover of the original motion who shall not otherwise speak on the amendment.*

NB *Other than as provided for at (i) above the mover of an amendment has no right of reply.*

13.11 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;*
- (b) to amend a motion;*
- (c) to proceed to the next business;*
- (d) that the question be now put;*
- (e) to adjourn a debate;*
- (f) to adjourn a meeting;*
- (g) that the meeting become a Committee of the Council;*
- (h) that the meeting of the Council be resumed;*

- (i) *to exclude the public and Press in accordance with the Access to Information Rules; and*
- (j) *to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.*