

## Cabinet

Minutes of a Virtual Meeting of the Cabinet held on Microsoft Teams on the **25<sup>th</sup> June 2020**.

### Present:

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

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

### Apologies:

Cllrs. Barrett, Chilton, Cornish, Ovenden.

### Also Present:

Cllrs. Anckorn, Mrs Bell, Burgess, Harman, Howard-Smith, Ledger, Mulholland, Spain, Sparks, Walder, Wright.

### In attendance:

Chief Executive, Director of Finance and Economy, Head of Planning and Development, Head of Finance and IT, Head of Corporate Policy, Economic Development and Communications, Head of Personnel and Development, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Culture, Head of Housing, Deputy Head of Corporate Property and Projects, Principal Solicitor (Strategic Development), Development Partnership Manager, Senior Accountant (LF), Communications Officer, Member Services Manager (Operational).

## 425 Declarations of Interest

Councillor	Interest	Minute No.
Buchanan	Made a Voluntary Announcement as a member of the Stour Centre gym.	436

## 426 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 28<sup>th</sup> May 2020 be approved and confirmed as a correct record.**

## **427 Leader's Announcements**

The Leader said that he wanted to advise of some changes to the appointments of Deputy Portfolio Holders. He announced that Councillor Larry Krause would be moving from Community Safety and Wellbeing to be Deputy Portfolio Holder for Finance and IT. Councillor Kalysa Howard-Smith would become the new Deputy Portfolio Holder for Community Safety and Wellbeing, Councillor Mrs Clair Bell would be taking up the appointment of Deputy Portfolio Holder for Human Resources and Customer Services, and Councillor Jenny Webb would become the Deputy Portfolio Holder for Culture, Tourism and Leisure at the end of her Mayoral Year.

## **428 Financial Monitoring Report (Two Month Update to 31<sup>st</sup> May 2020)**

The Portfolio Holder introduced the report which was the second budget monitoring report of the financial year and updated the forecast outturn for 2020/21, reported at the last Cabinet meeting, based on information available at the end of May 2020. He also drew attention to the Tabled Paper which included the missing Table 3 - Reserves Position from page 18, paragraph 49 of the report. He re-emphasised that some of the figures in the report were 'sobering' and these unprecedented times had placed considerable risks to this forecast and the Council's financial standing as the long term economic impact became clearer. Forecasting had identified a £1.893m deficit to this year's budget having applied the £1.359m COVID grant awarded by Central Government. A further £2m pressure was forecast as Business Rates and Council Tax collection rates were lower than anticipated, however due to accounting purposes this would be reflected in next year's budget. The overall pressure of £3.893m was within the allocation of reserves earmarked at the last Cabinet meeting to mitigate the financial impact of COVID-19. The HRA was reporting increased spend in its overall position, which included forecasting a £1.3m reduction in rent. The Housing team had reworked the capital programme to reduce spend this year, allowing the loss in rent to be mitigated.

The Deputy Leader welcomed the report and said it was also now very important that the Council sent out the message that Ashford and Tenterden were now back open for business. Members wanted to stress their thanks to Officers, particularly from the Finance and Economic Development teams, for getting out the relevant grants to businesses in such a timely fashion, which would undoubtedly have helped a significant number of businesses and put them in a position to recover.

In response to a question about whether it would be more prudent to borrow to aid the recovery, rather than using up all of the Council's reserves, the Director of Finance and Economy advised that there were strict rules over what Local Authorities were allowed to borrow for. They could not borrow to cover day-to-day expenditure and most of the pressure highlighted in the report was in this category. However, there may be opportunities around borrowing for capital projects where they delivered an asset, and that would continue to be examined alongside using reserves, to ensure the right balance in delivering projects.

**Resolved:**

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
- (ii) the Treasury Management position be noted.**

## **429 Ashford Borough Council Annual Performance Report 2019/20**

The Leader introduced the report which presented the Council's Annual Performance Report. The report was an important pillar of the Council's transparency agenda and looked at the achievements and milestones realised by the Council in the context of the Corporate Plan 2015-2020. It also summarised performance against the Council's suite of Key Performance Indicators for the year 2019-20.

The Portfolio Holder for Community Safety and Wellbeing emphasised the gas safety certificates for ABC properties and whilst the overall figure was 99.93% with up to date certificates, this still meant there were seven properties that were overdue and he hoped that would be redressed as soon as possible.

The Deputy Leader welcomed the report and said that the data within it and some of the achievements could be used to aid the recovery phase from the pandemic. Examples included infrastructure delivery at M20 Junction 10a and other road projects, commitment to projects in the town centres and the Council's own house building strategy.

**Resolved:**

**That the contents of the Annual Performance Report be noted and approved for publication on the Council's website.**

## **430 Corporate Property Asset Management Strategy (2020-2024)**

The Portfolio Holder introduced the report which presented the Corporate Property Asset Management Strategy 2020-2024. This replaced the previous strategy and set out the Council's high level strategic framework for managing its Corporate Property Portfolio for the next four years.

**Resolved:**

**That the content of the Corporate Property Asset Management Strategy (2020-2024) be noted and the Strategy be adopted.**

## **431 COVID-19 – Ashford Borough Council Response**

The Portfolio Holder introduced the report which documented the Council's emergency response to the COVID-19 outbreak. The report included details of: - the command and control arrangements; the establishment of the Ashford Response Depot (ARD); the Voluntary Emergency Response Appeal which had earlier that week broken its £10k target; the assistance provided to those on NHS shield lists and other vulnerable people; and grant support arrangements for the voluntary sector. It also outlined the significant steps taken to keep essential services running, as well as responding to immediate emergency needs. He said that the report was not definitive but provided a really good overview of all the areas covered by the Council, and its unique and beneficial relationship with the local voluntary sector. He also wanted to praise Council Officers and Members for their ability to adapt to an ever-changing landscape and deal with all of the challenges thrown at the Council and to look after the most vulnerable in the Borough.

Cabinet Members echoed those comments and drew particular attention to the work and effort of Council staff in a number of areas including Aspire, Biffa and the waste management service who had managed to keep operating a full capacity throughout, those involved at the ARD for food distribution, the work undertaken on grant schemes, support and project funds and business support. Thanks were also expressed to the school staff who had managed to keep schools open for children of key-workers in difficult circumstances, and now had allowed as many children as possible to return to school, as well as the population of the Borough in general, who had really pulled together as a community as well as obeying the restrictions that had been put in place for everyone's safety. The Deputy Leader advised that Kent County Council had earlier that week taken a decision to increase its budget for the Community Wardens by 50% and there were opportunities for Ashford to get its fair share of that additional money during the recovery process.

The Chief Executive thanked Members for their comments about staff and said she was pleased that their efforts had been recognised. Officers has undertaken some extraordinary work, often outside of their own remits and skillsets, in a quick and responsible fashion and even those not involved with the incident had kept on with the day job, often working from home or in new ways, and worked hard to keep the Council operating as normal. She would ensure that the Cabinet's thanks were communicated to staff.

### **Resolved:**

- That (i) the report outlining the Council's response to date to the COVID-19 pandemic be noted.**
- (ii) the Cabinet pay tribute to residents, businesses, wider communities, volunteers and staff for all of the support and help they have provided, the sacrifices they have made, and the personal challenges they have and continue to face as a result of COVID-19.**

## 432 Planning Advisory Service (PAS) Review Report

The Portfolio Holder introduced the report which updated on the outcomes of the Planning Advisory Service (PAS) Challenge/Review of the Council's planning function and performance in terms of determining major planning applications. The Council's Planning Service had in the recent past been an 'exemplar' one, recognised for good performance, but over the past 12-18 months there had been a decline and the Council had been keen to see where it could improve. The Challenge/Review took place in January 2020 and the subsequent report recommended the adoption of an action plan to address a range of issues affecting performance. The report set out those issues and recommendations and sought Cabinet support for the implementation of an action plan to address the issues and develop and implement the recommendations in the PAS report to improve the performance of the Planning Service, particularly in relation to major applications.

Members discussed the recommendation to review the delegation agreement for Ward Members being able to request that an application be referred to the Planning Committee. A majority of Members of the Cabinet present expressed concern about this recommendation. Whilst the proposed requirement for this to be for a 'planning reason' was noted, Members advised that there were often issues that caused a lot of local concern and they did not like the idea of having this right taken away from Ward Members, who were often more aware of the local issues than anyone else. They should not have to be put in a position where they were having to 'argue' with Planning Officers. There was also a danger of disenfranchising those Members who were not Members of the Planning Committee. The Portfolio Holder explained that the thinking behind this recommendation was to try and make sure that applications were not simply called to Committee because they were unpopular. Applications had to be considered on planning grounds, and there was always an opportunity for Ward Members to discuss applications with the Planning Officers, so issues could often be addressed without elevating them to Committee and using up valuable Committee time. The Leader said he would not ever support this particular recommendation because he believed Members should continue to have the power to use their discretion and be able to call planning applications to Committee. That would be reviewed in the drawing up of the action plan.

In terms of points made about the onerous demands on Members of the Planning Committee, the Portfolio Holder explained that more in depth and expanded Member training was being worked up.

### **Resolved:**

**That an action plan be implemented to address the issues and develop and implement the recommendations in the PAS review report, but noting the comments made by the Cabinet about the recommendation to review the delegation agreement to require all requests for referral to Committee to be for a 'planning reason'.**

### **433 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.**

### **434 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 items, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to the relevant paragraphs of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

<b>Minute No.</b>	<b>Agenda Item Title</b>	<b>Relevant Paragraph of Schedule 12A</b>
435	Approval of Costs Associated with Early Release of Pension Due to Redundancy.	1
436	Leisure Operations Update	1 and 3
437	Housing Revenue Account Acquisition	3

### **435 Approval of Costs Associated with Early Release of Pension Due to Redundancy**

The Portfolio Holder introduced the exempt report which asked the Cabinet to endorse and recommend to Council the early release of pension following the restructure of the Council's Insurance Team.

**Resolved:**

**That the restructure of the Insurance Team be noted.**

**Recommended:**

**That Council approve the early release of pension due to redundancy.**

## **436 Leisure Operations Update**

The Portfolio Holder introduced the exempt report and directed Members' attention to the exempt tabled paper which included a letter from Unison. He also advised of an amendment to proposed recommendation (i) in that the figure mentioned would need to be increased to £300k.

### **Recommended:**

- That
- (i) the option to pursue refurbishment and capital works at the Stour Centre be agreed, mindful of the contribution from the Council of up to £300,000 to Ashford Leisure Trust for appropriate costs, given full closure for redevelopment.**
  - (ii) it be noted that the Stour Centre will remain closed until such time as the refurbishment and capital works required under the Council's landlord responsibilities and within the parameters of the awarded Design Build Operate and Monitor Contract are complete, and it is effective to reopen and operate spaces efficiently.**
  - (iii) the Chief Executive and Directors be authorised, in consultation with the Portfolio Holders for Culture, Tourism and Leisure and for Regeneration and Corporate Property, to instruct Officers to put in place all necessary plans, arrangements and payments, to effectively deliver the above and bring forward appropriate reopening of the Julie Rose Stadium to support people to access leisure and gym facilities.**

## **437 Housing Revenue Account Acquisition**

The Head of Housing introduced the exempt report which recommended the acquisition by the Housing Revenue Account of a number of units within the Town Centre.

### **Recommended:**

- That
- (i) the Housing Revenue Account acquires the units within the Town Centre.**
  - (ii) authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to negotiate and agree the final offer to the developer, subject to a second valuation.**
  - (iii) authority be delegated to the Head of Housing, in consultation with the Head of Finance and IT, and the Portfolio Holder for Housing, to ensure that the Council's heads of terms and conditions for the purchase are met.**

- (iv) responsibility be delegated to the Director of Law and Governance, the Head of Housing and the Head of Finance and IT, to finalise and agree contracts and associated paperwork.**
- (v) the approach to sensitively let these town centre properties – and any other off-plan acquisitions set out in the Keyworker Initiative that will be further developed with Economic Development and Planning Policy - be agreed in principle (Appendices C and D of the exempt report refer).**
- (vi) responsibility be delegated to the Head of Housing, in consultation with the Director of Law and Governance, the Portfolio Holder for Housing and the Deputy Leader, to finalise and implement the terms of the Keyworker Initiative (Appendix C to the exempt report refers).**
- (vii) it be noted that an affordable housing programme update will follow in the Autumn and that Overview and Scrutiny would review the HRA Business Plan financial projections, including this acquisition, as part of the Budget Scrutiny process.**

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