



TRADING AND ENTERPRISE BOARD

Notice of a Meeting, to be held as a **Virtual Meeting - on Microsoft Teams** in accordance with Regulation 5 of The Local Authorities and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on **Tuesday, 23rd June, 2020 at 10.00 am.**

The Members of the Trading and Enterprise Board are:-

Councillor Bell (Chairman)

Cllrs. Pickering, Shorter, Conservative Vacancy,
Ovenden (Observer)

IMPORTANT INFORMATION ABOUT THIS VIRTUAL MEETING:- Please note the public cannot physically “attend” a Virtual Meeting. However any member of the press and public may listen-in to proceedings at this ‘virtual’ meeting via a weblink which will be publicised on the Council’s website at www.ashford.gov.uk at least 24 hours before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Board meeting at the Civic Centre. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the Officers advising the Committee, and the Officers designated to address the Committee on behalf of any public speakers who have registered in advance to ‘speak’ on the items to be considered. This will take the place of the usual procedure for public speaking at the Board’s regular meetings at the Civic Centre. In order to register for this, written notice must be given on the Council’s website at <https://www.ashford.gov.uk/councillors-meetings-and-elections/councillors-and-meetings/public-participation/application-to-speak-at-a-public-meeting/> or by email to membersservices@ashford.gov.uk by 10.00am on the Monday before the meeting.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive notification of Substitutes in accordance with Procedure Rule 1.2 (c)

2. **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 2 for further details

3. Minutes

3 - 6

To approve the Minutes of the Meeting of this Board held on the 26th November 2019.

4. Exclusion of the Public

To consider passing the following resolution to exclude the press and public from the meeting:

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 Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Proposal for Development Funding for B&Q development

7 - 46

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15th June 2020

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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 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 alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

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 alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

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Agenda Item 3

CA/TEB

Published 2nd December 2019

Decisions effective from the 10th December 2019 unless they are called in or recommended to the Cabinet/Council for approval

Trading and Enterprise Board

Minutes of a Meeting of the Trading and Enterprise Board held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **26th November 2019**

Present:

Cllr. Bell (Chairman)

Cllrs. Clokie, Pickering, Shorter;

Cllr. N Ovenden (Observer).

In accordance with Procedure Rule 1.2(c) Councillor Clokie attended as Substitute Member for Councillor Gideon.

Apologies:

Cllr. Gideon, Director of Finance and Economy (in his capacity as Section 151 Officer).

Also Present:

Cllrs. Burgess, B Heyes, Wedgbury.

Head of Finance and IT (in her Capacity as Director of A Better Choice for Property Ltd), Principal Solicitor (Property and Projects) (in her Capacity as Company Secretary for A Better Choice for Property Ltd and A Better Choice for Building Consultancy Ltd), Senior Accountant, Commercial Development Manager (A Better Choice for Property Ltd), Member Services Manager (Operational).

203 Declarations of Interest

Councillor	Interest	Minute No.
Shorter	Made a Voluntary Announcement as he was a member of the Board of A Better Choice for Building Consultancy Ltd.	206

204 Minutes

Resolved:

That the Minutes of the Meeting of the Board held on the 8th July 2019 be approved and confirmed as a correct record.

205 Share Purchase – A Better Choice for Property Ltd

The report requested an earlier purchase of the next tranche of shares in A Better Choice for Property Limited than previously approved. The previous approval allowed for £100,000 worth of shares to be purchased in the financial year 2020/21 and the Company would like the Council to bring this forward to the current financial year.

The Senior Accountant and Principal Solicitor (Property and Projects) answered Members questions on the request. It was explained that the first of the three approved drawdowns did not happen in the financial year that approval was given (2017/18). If it had, the funds would have already been released. In the event the first tranche of equity was released on 31st July 2018 (2018/19 financial year) and the second on 9th May 2019 (2019/20 financial year). Approval of this request would see the release of the final tranche also in 2019/20, rather than waiting until 1st April 2020. It was needed to help fund a short term cashflow shortfall without the need for additional borrowing or sale of property.

In response to a question the Principal Solicitor (Property and Projects) advised that the Company was a wholly owned subsidiary, with the Council as sole shareholder. The Company could take on other shareholders but these would need to be approved by the Council. There was no requirement in law for the Council to have more than one shareholder and the Company had no intention of asking the Council to approve such a request in the future.

Recommended

That Cabinet approves the purchase of £100,000 worth of shares in the financial year 2019/20, instead of in the financial year 2020/21 as previously approved.

206 Closure of A Better Choice for Building Consultancy Limited

The Principal Solicitor (Property and Projects) introduced the report which explained that in 2017 it was decided that A Better Choice for Building Consultancy Limited should cease trading but remain in existence. The Directors of the Company had now taken the decision that the costs (both actual and in Officer time) of keeping the Company in existence were disproportionate and had resolved to ask the Council to close the Company and apply for it to be removed from the register of companies at Companies House.

A Member, who was also a Director of the Company, explained that there had been substantial learning points derived from the operation of this Company that would be useful going forward. It was also important to note that the Company did finish trading with money in the back so the whole exercise had been undertaken without any cost to the Council.

Recommended

- That (i) **the Cabinet recommends to Council that A Better Choice for Building Consultancy is closed and the application made to Companies House to strike off the Company from the Register.**
- (ii) **the Cabinet recommends to Council that authority is delegated to the Principal Solicitor (Property and Projects), who is also Company Secretary, to make the application and complete the necessary paperwork.**

207 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 Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

208 Financing of A Better Choice for Property Limited – Discussion Paper

The Company Director (Head of Finance and IT) introduced the report which explained that the Company had been set up to provide the Council with an income stream, replacing some of the income received from Government grants. The Company was looking to escalate a number of developments over the next year and wanted Members to consider future funding options for the Company which would enable its ambitious future development plans (as outlined in its agreed Business Plan) to be taken forward.

During the course of the discussion Officers answered a number of questions about potential funding options and more general comments on Ashford's development as a whole and the future direction of the Company.

The Commercial Development Manager advised that a full proposal for the former B&Q site would be coming to this Board at its next meeting in February.

The Board agreed that, based on the information currently available, they would prefer to look at the Council providing a short term loan facility rather than a significant share issue to provide further financing for the Company. The share issue may have potential, but the Board would like to see a business plan drawn up that clearly showed the financing requirement and when any future dividends would be expected to come through. The style of funding may also be dependent on the type of development that was proposed so there was an argument to look at each site in

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its own right. As this report was purely a discussion paper Officers took those points on board and agreed to come back with further details at a later date.

Resolved:

That the report be received and noted and Officers consider the Board's comments before coming back with a future report on proposals for future financing of the Company.

209 Half-Yearly Management Update – A Better Choice for Property Limited

The Commercial Development Manager of the Company introduced the report which updated the Board on the Company's business activities over the six month period from 1st January to 30th June 2019. He said the report was intended as a general update providing an overall commentary on business, but he would be happy to take any questions at any time on the ground covered in the report.

Members thanked the Commercial Development Manager of the Company for the report and said they would like to see the report continue to come forward every six months to this Board.

Resolved:

That the report be received and noted.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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