



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, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL on **Thursday, 3rd March, 2022 at 7.00 pm.**

Yours faithfully

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

T W Mortimer
Solicitor to the Council and Monitoring Officer

Agenda

Page Nos..

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 21st October 2021** 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 Minutes of the Meetings of the Licensing Committee held on 17th November 2021 and the 20th January 2022 | 15 - 24 |
| 9. | To receive, consider and adopt the Minutes of the Meeting of the Regulatory Committee held on the 20th January 2022 | 25 - 32 |
| 10. | To receive, consider and adopt the recommendations set out in the Minutes of the Meetings of the Cabinet held on the 28th October, 25th November and 16th December 2021 and the 27th January and the 24th February 2022 (to follow) - with the following exception - The recommendations of the 24th February meeting regarding the item 'Budget 2022/23' be deferred for consideration with Agenda Item No.11 | 33 - 66 |
| 11. | To consider the recommendations of the Cabinet regarding the item 'Budget 2022/23' (which includes the adoption of the budget) and the report 'Council Tax 2022/23 Resolutions' and to determine the Borough Council's precept on the Collection Fund. | |
| 12. | To receive the Minutes of the Meeting of the Audit Committee held on the 1st February 2022 | 67 - 74 |
| 13. | To receive, consider and adopt the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 17th February 2022 | 75 - 90 |
| 14. | To receive the Minutes of the Meeting of the Standards Committee held on the 24th January 2022 | 91 - 94 |
| 15. | Annual Report of the Council's Monitoring Officer 2021 | 95 - 108 |
| 16. | Programme of Meetings 2022/23 and 2023/24 | 109 - 114 |
| 17. | To consider Motions of which Notice has been given pursuant to Procedure Rule 11 | |
| 18. | Questions by Members of which Notice has been given pursuant to Procedure Rule 10 | |

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.

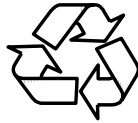
That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of this item as it is likely that in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present 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.

23 February 2022

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Agenda Item 3

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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Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **21st October 2021**.

Present:

His Worshipful the Mayor, Cllr. C K Knowles (Chairman);

Cllrs. Anckorn, Barrett, Bartlett, Mrs Bell, Bell, Blanford, Buchanan, Burgess, Campkin, Clarkson, Clokie, Farrell, Feacey, Forest, Harman, Hayward, B Heyes, Howard, Howard-Smith, Krause, Ledger, Link, Meaden, Michael, Mulholland, Ovenden, Pauley, Pickering, Rogers, Shorter, Smith, Spain, Sparks, C Suddards, L Suddards, Turner, Walder, Webb, Wedgbury, Wright.

Also Present:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Civic Officer, Member Services Manager.

Apologies:

Cllrs. Chilton, Cornish, Iliffe.

Prior to the commencement of the meeting Members remained standing in respect of the late Gerald White who was the Borough Council Member for the Highfield Ward from May 2015, and for the late Sir David Amess MP, who had both passed away recently. The Reverend Hammond then said prayers.

155 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 Solicitor to the Council and Monitoring Officer advised that there were none.

156 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 4th May 2021 be approved and confirmed as a correct record.

157 Appointment of Mayor's Cadets for 2021/22

The Mayor introduced his four Mayor's Cadets for 2021/22. As Members were aware, each Mayor now had the opportunity to appoint an outstanding Cadet from each of the four armed services for their term of office. For this year those individuals were: -

- **Leading Cadet Willow Mackenzie - Ashford Sea Cadets.**

- **Cadet Lance Corporal Grace Ball - Royal Marines.**
- **Cadet Cate Phillips - Army Cadets**
- **Cadet Sgt. Niraj Marar – Air Training Corps.**

The Mayor gave a short citation for each Cadet and then called them forward individually to present them with their badge of office for the year.

158 Announcements

(a) The Mayor

The Mayor said he thought it was wonderful for them to all to be together again. It was the first Full Council meeting in the Council Chamber since the 5th March 2020 which had been a considerable amount of time to be apart. Time had flown by and the world was now a slightly different place since they had last met. It was also the first meeting that he had chaired since becoming Mayor back in May, so he wanted to take the opportunity to give a quick update on some of the things he and the Deputy Mayor had been doing since then.

He firstly wanted to thank Cllr. Jenny Webb for all the help she had given him as his Deputy. She had stepped up to the plate many times when he had been unable to attend events – whether there had been a clash with other events, he had been away for a few days holiday or when he had been ill recently with Covid. Jenny had resolutely risen to the challenge or deputising and he hoped she had enjoyed herself at those events.

Between them they had attended 111 events since May of many different types and at many different venues. He had thoroughly enjoyed meeting people from all across the Borough and had really enjoyed getting to parts of the Borough he had never been to before. He had opened several new ventures within the Borough and a few worthy of particular mention included: - a new Coffee Shop at Repton where he had met Peppa Pig, (which he was sure would follow him for the rest of the year!), but it had been really exciting to see young people starting a new venture; the Hampton by Hilton International Hotel – an excellent new hotel that had created new employment opportunities in the Borough; and a new tyre fitting facility which had been particularly poignant to him as the owner had been one of the Syrian refugees that had come to Ashford several years ago. This had shown the value of the refugees to the local community and that they were integrating in to the big Ashford family. Each new business that opened showed that people had confidence in the Borough as they had chosen to open new ventures here. He looked forward to opening more in the coming months.

The Mayor said he had enjoyed the opening of the magnificent new facilities next door at the Stour Centre and had been truly impressed at what had been done to revitalise the Centre. It had been wonderful to see the happy faces of the children playing on the climbing walls and other facilities and to talk to the happy families, many of whom had travelled great distances to attend with their children. It had also been great to join fellow Councillors and Officers to view the new football pitches at the Bromley Green football facility – a wonderful collaboration between the Club and Ashford Borough Council which provided excellent facilities for all ages. He had undertaken several litter picks

across the Borough; attended an Eid Reunion with the Bangladeshi community; unveiled the Shadoxhurst quilt; opened several Fayres in all sorts of weathers; and even hand ground some flour at the Willesborough Windmill. He could not detail all of the visits that he and the Deputy had made as it would take far too long, but he was sorry if he had not mentioned a particular event as they had truly enjoyed everything that they had been to. It had been a real privilege to have been invited to all of the events and he asked Members to continue to invite them to events in their Wards where they felt the Mayor's presence would benefit the event or the organisation.

It had also been a real privilege to present people with Mayoral Achievement Awards. This Borough had some absolute stars. Sadly, not everybody could, or wanted to be, recognised but if anyone was aware of individuals who deserved recognition for things they had done, be that over a long period of time, or more recently during the pandemic, he asked Members to get in touch with him.

The Mayor concluded by saying that he had also hosted a number of events in aid of the Mayor's Charity and it had been a pleasure to see many of his fellow Councillors at his events and he hoped everyone had had a good time. He urged all to continue to attend these events as they supported his charity and it was good for everyone to get together. His charity – Shaw Trust's Live Well Kent - was doing some great work in the Borough with their many projects such as helping people with mental health issues, assisting people back in to employment and trying to help the homeless. There were many other strands to their projects and he encouraged anyone interested to talk to either himself or Donna, the Civic Officer. He also looked forward to seeing many colleagues at his Big Cats event in Smarden the following day, when they were all hoping for kind weather! The next two events after that were a Christmas Curry Night at the Cinnamon Spice restaurant on the 30th November and then a particularly special Beer and Pie Tasting at the Old Dairy Brewery in Tenterden on Tuesday 14th December. There would be non-alcoholic beer options and vegetarian and gluten free pies for those who preferred, as well as a fantastic opportunity for pre-Christmas shopping in Tenterden High Street.

(b) Leader of the Council

The Leader said that he had a very full response to an important question that had been asked later on the agenda about a particularly topical subject, so he did not have any other announcements to make.

159 Cabinet – 27th May, 24th June, 29th July and 30th September 2021

(a) Cabinet – 27th May 2021

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 27th May 2021 be received and noted.

(b) Cabinet – 24th June 2021

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 24th June 2021 be received and noted.

(c) Cabinet – 29th July 2021

Resolved:

That (i) the Minutes of the Meeting of the Cabinet held on the 29th July 2021 be received and noted with the exception of Minute No. 87

(ii) Minute No. 87 be approved and adopted.

(d) Cabinet – 30th September 2021

Resolved:

That (i) the Minutes of the Meeting of the Cabinet held on the 30th September 2021 be received and noted with the exception of Minute Nos. 120, 122 and 123.

(ii) Minute Nos. 120, 122 and 123 be approved and adopted.

160 Selection and Constitutional Review Committee – 7th October 2021

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 7th October 2021 be approved and adopted.

161 Audit Committee – 15th June, 20th July and 5th October 2021

(a) Audit Committee – 15th June 2021

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 15th June 2021 be received and noted.

(b) Audit Committee – 20th July 2021

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 20th July 2021 be received and noted.

(c) Audit Committee – 5th October 2021

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 5th October 2021 be received and noted.

162 Overview and Scrutiny Committee – Annual Report 2020/21

The Chairman of the Overview and Scrutiny Committee, Councillor Ovenden, introduced the report and advised that it outlined some of the key activities undertaken by the Committee during the 2020/21 year. During the year the effects of the pandemic had been a huge challenge for all Local Authorities however, despite these pressures, Overview and Scrutiny at Ashford had continued and the Committee had welcomed the use of virtual and hybrid meetings. Doing this had helped the Committee reach a wider audience than ever before, improving the quality of debate and discussion at meetings. The Committee had held two in-depth reviews during the year – a Task Group to review Digital Transformation which had resulted in eight recommendations all approved by the Cabinet in October 2020; and a Task Group set up in January 2021 to conduct the Budget Scrutiny process which had also resulted in some very successful recommendations. He wanted to thank all of the Officers who had been involved in the reviews during the year and who had assisted the Committee proficiently. He also wanted thank Members (both of the Committee and non-Committee) who had played an active role at meetings on various matters. The Committee looked to have a full and busy year ahead, with the Section 106 review approaching its conclusion as well as some major topics due to be brought forward including Budget Scrutiny and a much welcomed review of consultation and engagement. He therefore moved acceptance of the report.

Councillor Wedgbury said he thought this year could have been a golden year for Overview and Scrutiny and the Committee could have picked up the baton on many different issues on behalf of residents. Two particular subjects that he thought they should have scrutinised were the operation of the new Community Councils which had now been running for two years, and the use of Teams and other social media and how they could have been used more by residents to engage with this Council. He wondered why they hadn't looked at these issues and instead, in his view, had spent most of the year navel gazing.

The Chairman of the Overview and Scrutiny Committee responded that the Committee had an open process whereby any Member could raise any topic they wanted and those topics would be reviewed by the Committee, discussed on their merits and then brought forward if agreed by the Committee. Community Councils had been raised during the

year and after some investigation it had been determined that, as the Community Councils were bodies in their own right, scrutiny by the Borough Council would not have been appropriate at that time and thus was not taken forward. Should the Community Councils have asked for the Committee's help they would have happily provided it. With regard to Teams, hybrid meetings and use of technology, he thought not one single person on this Council had tried harder on this than himself during the last year and as Chairman of the Committee if he had felt they needed to bring this to Overview and Scrutiny he would happily have proposed it. He did not feel that the middle of a pandemic was the right time to question what they were doing about Teams etc. when there were more important things to discuss. He personally considered the Council had done an ample job in reacting to the pandemic and had done very well in getting meetings on-line very quickly and being able to conduct their business efficiently. He thought all should be congratulated for that and any Member who doubted that should take a serious look at how they behaved with their own business. He said he could say more but he wouldn't at the moment as he thought that most Members in this forum would agree whole-heartedly with what he had already said. He thanked everyone again for their support for Overview and Scrutiny over this past year and hoped that as they moved forward they would embrace whatever format of meeting got them out to as many people as possible in effectively scrutinising the business of the Council.

Resolved:

That the report be received and accepted.

163 Audit Committee – Annual Report 2020/21

Resolved:

That the report be received and accepted.

164 Questions by Members

(a) Question from Councillor L Suddards to Councillor Clarkson, Leader of the Council

Councillor Suddards advised that as she knew the Leader had a lengthy response to her question she wanted to take a few moments to put her question in context. The reason she had brought the question forward was in response to the press release from the Council on the Safer Streets Fund. It was very welcome to know the Council had put a bid in and been successful in gaining monies to make the Town Centre safer. Two of the specific points of her question were about Town Centre lighting and public transport, and whilst she knew these were primarily under the remit of Kent County Council, the Borough Council did have significant influence. As a Street Pastor she had seen people having to leave the Town Centre through unlit areas and feeling very unsafe and she felt her question was a very relevant one given what had been happening recently, including some of their own Councillors being harassed and intimidated, along with school girls and a general message that "they just had to get used to it" because it was commonplace. Her question was therefore: -

“If the Leader accepts the fundamental right of women to walk the streets of Ashford before and after dark, without fear of attack, cat calling, kerb crawling or censure for being alone, how does he plan to address the poor lighting and inadequate public transport that acts as a curfew, preventing women moving freely between the Town Centre and surrounding areas after dark?”

Reply by Councillor Clarkson

“Mr Mayor, I would firstly like to thank Councillor Suddards for asking me this question as it gives me the opportunity to highlight the many things that we have been doing and are currently doing regarding one of the most important issues facing us all – that everyone, especially women and girls, should feel safe on our streets. I get extremely angry when I hear people, especially men, talking about what women and girls should do to make themselves less vulnerable to abuse or attack. We must of course be focusing very much on men and young boys behaving properly.

Tackling violence against women and girls was the focus for the Safer Streets Fund released earlier this year. Ashford Borough Council submitted a bid together with our partners to the Home Office via the Kent Police and Crime Commissioner. The bid had to focus on the Ashford Town Centre. The bid was written by our Community Safety and Wellbeing Manager Alison Oates, please note a female officer, and the CSU Police Inspector. However, even then it was not done in isolation and a number of consultees were involved including Ashford Partnership Against Crime (APAC), Ashford College, John Wallis Academy, Highworth Girls School, Ashford Street Pastors, Clarion (Domestic Abuse Commissioned Service) and the Independent Police Advisory Group. We also conducted a specific survey earlier in June this year linked to safety in the Town Centre and saw 69% of responses being from females. The majority felt very unsafe in the town centre after 20:00hrs and that they would feel safer if there was more lighting, CCTV, and increased visible guardians. Over half of the responses highlighted they were not aware of personal safety apps but would be willing to use them. An Environmental Visual Audit was conducted which further demonstrated the issues within the area which can lead to the community, particularly women and girls, feeling vulnerable and unsafe. Our bid was part of that the Kent's Police and Crime Commissioner, Matthew Scott's, bid to Government. He was awarded £741,548 to make the streets of Ashford, Rochester and Chatham safer, particularly for women and girls. Please note that Ashford is set to receive almost £550,000 of that award, by far the greatest percentage. This will provide personal safety equipment, such as drink testing kits and personal alarms, as well as creating safe havens and installing more CCTV. The successful bid will allow us to deliver the following projects: Personal Safety Equipment; educational input to educate particularly young men; improvement to the Memorial Garden fencing; moving cameras at Elwick Place onto the improved system in the Ashford Monitoring Centre (AMC) to allow live monitoring and improved speed for reviews and downloads; creating safe havens through training shop and licensed premises staff in being “active bystanders” and continued development of Shop and Pub watch schemes; a Digital App which supports other popular features of safety apps including alerting systems and SOS functionality - there are also options to include bespoke safety alerts around emerging trends or themes as well as identifying safe routes throughout the town; wall mounted mirrors to improve visibility when entering and exiting alleyways; installation of CCTV in Edinburgh Road car park which will be monitored by AMC; installation of eight additional CCTV cameras in key locations like the Memorial Gardens and entry/exit routes to the Town Centre such as Victoria Park

and Hythe Road; Smart-tag to SIA door staff - smart-water is a recognised crime prevention tactic that has more recently diversified in terms of the scenarios where it can be deployed. The SmartTag product had been developed as a handheld spray intended for use by SIA trained staff to help diffuse and manage situations within the night-time economy; improving the street scene by purchasing an industrial pressure cleaner and litter picking equipment to make our streets look cleaner and therefore feel safer; window wrapping vacant shops to improve the environment; and continuing to support the Street Pastors.

This funding needs to be spent by end of March 2022 so they did have to get a move on and get on with this work. It will complement the investment in more Town Centre Police Officers and PCSOs and help drive down unacceptable anti-social behaviour in our communities. The APAC radios were updated earlier this year from analogue to digital which increase the quality and range, and this had all contributed to a safer environment. Recent tragic events have brought to the fore concerns many women and girls face. The extensive plans we have for this funding will make real improvements to our Town Centre and, I hope, will result in helping all our visitors feel safe within our Town Centre spaces. The PCC is working on this subject and a number of engagements are taking place – Alison Oates attended his round table with Community Safety Mangers just last week. The Chief Constable is holding a number of community engagement events also linked to this subject – one of which will certainly be here in Ashford.

We are blessed to have the AMC, with a dedicated 24/7 CCTV system, staffed by SIA trained CCTV operators. The Monitoring Centre has direct links to Kent Police via the radio system. The Centre acts as a Town Control Room for the APAC radio system, so we have contact with all our shop and pub watch members. The AMC works closely with the Police and ensures that any criminal activity is swiftly reported and thus allows the Police to act upon that information. The clarity of images has improved identification of offenders and led to increased arrests and sanctions.

We currently have six Public Space Protection Orders (PSPOs) within the Borough. A PSPO is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Ashford Urban Order covers Ashford Town Centre and has the following prohibitions: - a) No person shall urinate or defecate in a public place. This includes the doorway or alcove of any premises to which the public has access; b) No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when requested to do so by an authorised Officer in order to prevent public nuisance or disorder; c) No person shall use a motor vehicle to perform any of the following activities: - (1) Revving of engine (s); (2) Repeated sudden and rapid acceleration; (3) Racing; (4) Performing stunts; (5) Sounding horns; (6) Playing loud music in a motor vehicle; (7) Driving in convoy; (8) Using threatening, intimidating behaviour towards another person; and (9) Causing obstruction; d) No persons shall play ball games in areas signed as "No ball games"; and e) No person shall use foul or abusive language. Any person found guilty of breaching this order will be liable, on summary conviction, to a fine not exceeding £1,000. Depending on the breach, the enforcing Officer could decide that a fixed penalty notice of £100 would be the most

appropriate sanction. PSPOs may be enforced by Police Officers, Police Community Support Officers and any Officers designated by Ashford Borough Council.

In terms of wider community safety activity, as an Authority we are engaged and actively participate in a number of meetings to support the safety of residents and visitors to the Borough. There are a monthly CSU meetings where matters are discussed in a multi-agency arena and resolutions found. We have a Council representative at shop watch and pub watch meetings, district contextual safeguarding meetings (focus on adolescent risk and locations), adult vulnerabilities meetings and high risk Domestic Abuse cases. Many will know that the Council has joined forces with Charlton Athletic Community Trust (CACT) on a year-long project which aims to use the power of sport and physical activity to create safer, stronger and more respectful communities by engaging with young people in some of our most high-need areas. The Community Safety Partnership receives an annual crime reduction grant from the PCC and £21,000 from that funding stream and this has been allocated to this project. The Trust have also identified £8,000 from other funding streams, and with the Council matching the PCC's £21,000, thus giving a total funding for this project is £50,000. This will enable CACT to run a range of activities including a one to one mentoring programme, working with a number of young people per week for targeted intervention around crime. There will be weekly ball court/estate sessions, three crime reduction workshops, three ten-week peer enrichment programmes plus a residential trip for 30 young people to attend. This programme will be particularly applicable to teaching young boys to have respect for women and young girls and self-respect for themselves. Within the programme there is also the 'Joy of Movement' programme within schools, which will encourage children to adopt a healthy, active lifestyle, combatting childhood obesity, where they will learn about the body and nutrition and take part in practical sessions. The expected outcomes from this project are to create safer, stronger, and more respectful communities through engaging young people in positive activities within the immediate communities that they live in. In addition, the one to one mentoring sessions can reduce the risk of young people becoming involved in serious youth violence and gang related crime and create a more respectful approach to life. A similar project which ran recently in Greenwich showed an increase in young people's aspirations by 77%. As you can see this is a comprehensive project and Ashford Borough Council is supporting it, inspiring our young people to forge a healthier, happier and more respectful future for themselves and others. A number of referrals have already been made into the one to one mentoring scheme by the Police, local schools and KCC adolescent support team.

There was also the CHESS project which was funded by the Violence Reduction Unit to deliver community engagement projects with young people in two Wards (Beaver and Bockhanger) to produce community based action plans to tackle violence and Anti-Social Behaviour. The Bockhanger project has commenced – 12 young people attended the workshop and ward walk on 2nd October. They are re-grouping on 30th October to review the data and produce the action plan which will then be owned and implemented. The Beaver project will take place in early part of 2022. This project is allowing the voice of young people to be heard and to take ownership of their community.

Just as an aside, and when thinking about people travelling around at night, they did have to think about taxis and ensuring that these were properly licensed and policed. Taxis, hackney carriages and private hire vehicles, along with their drivers and private hire operators, are licensed by this Authority. Licensing provides a visible assurance to

the public that checks have been carried out. These measures ensure that vehicles have been checked at least every six months for safety. They also make sure that the driver has had a medical, criminal history checks, and is fit to hold a licence. I am going to list a few of the checks and training that are required before licenses are granted as many Members may not be aware what we do in this area: - Mandatory safeguarding training and practical driving assessment; Mandatory medical (including eyesight) assessment; Mandatory private hire test (including basic English/maths); Mandatory knowledge test for hackney drivers (in addition to the above test); Mandatory enhanced DBS checks and (if required) certificates of good conduct from relevant embassies for any foreign resident drivers and right to work checks; Mandatory DVLA driver licence checks on application/renewal, Additional common law police disclosure checks – where concerns or suspicion arise, and we are contemplating moving towards such checks for all new/renewals (with police agreement).

Turning to one of the main facets of the question, street lighting, the majority of the lighting within the Town Centre is managed by KCC. If there are issues with them then they can and should be reported to KCC, but we will be looking to improve street lighting where needed, because as Councillor Suddards had said, we are in charge in this Borough and we want to be responsible for the safety of everyone in it. I spoke to the Chief Executive last week as I had been astonished at how many lights were out as I drove down Elwick Road. That is not good enough and we need to make sure that they are on and working properly and if there are any areas where we feel there is more lighting needed, we need to get on to KCC to make sure it is remedied and we will.

Given the increase in reported incidents in the last few years we have formed a Working Group on Member safety to examine this. The Council already has access to a number of personal alarms which they can issue to staff members if they are lone working or are deemed to be at risk. These are also available to any Councillor and I would urge Members to take advantage of them. There are three different options available to choose from: - a My SOS Pebble; Peoplesafe Smartphone App; and My SOS ID Badge. I have one of the Pebbles in my hands now and these alert the AMC 24/7 of your location if any incidents take place and they have two way recording. It appeared that only one other Member has taken advantage of this. A message went out to all Members on the 5th October via the Member Services Manager inviting you to take up one of these and I would urge you all to do so. If any Member would like to see one in action, please speak to Cllr Peter Feacey, the Portfolio Holder for Community Safety and Wellbeing.

Mr Mayor, I am sorry that my answer has taken so long but this is a matter that merited a full and comprehensive reply. The safety of our citizens, our visitors, our staff and indeed our Elected Members must be our highest priority and I make no apologies about being so thorough on such an important situation that we all need to take ownership of."

Supplementary Question by Councillor L Suddards

"Thank you very much that was very comprehensive. Can I ask, in addition to all of the other measures happening, will the Leader be supporting the "Reclaim the Streets" event being organised by women locally?"

Reply by Councillor Clarkson

“Mr Mayor, I think it is important to say that I am a great democrat and I believe in the right of everyone to demonstrate peacefully on any topic they feel is appropriate. I also know that the Police here in Ashford and Ashford Borough Council actively work with people who wish to demonstrate. So I would support any legitimate demonstration as long as is lawful and does the job of making their points without inconveniencing other people going about their lawful business, otherwise that becomes a frustration for others and a potential *contretemps*. So, the answer is yes, absolutely, to support a lawful demonstration which is the backbone of this Country and or democracy at work.”

Supplementary Question by Councillor Walder

“Listening to the Leader’s very comprehensive, and in some ways extremely reassuring summary of the actions that this Council is taking to make vulnerable people feel safer on our streets, there is also a sense of real despair as it sounds like a war, almost a list of military hardware and it is sad that this is what we are up against. As difficult a subject as it is, I think we also have to talk about the role of online pornography, because the environment that we were all brought up in has gone and I will be taking the opportunity to speak to Officers and the Portfolio Holder about how we can begin to tackle something that is critical in this war and I wonder if the Leader would agree with me on these wider issues?”

Reply by Councillor Clarkson

“I think Councillor Walder is absolutely right and I can say categorically, from a personal and professional point of view, that I never fail to be astonished and saddened at the inappropriate use of social media. Social media can be a wonderful tool but the inappropriate use of it and the lack of controls and a whole host of other things online is beyond belief. Young people are bullied much more than they ever were through social media, it is a faceless thing at times, and you have people committing suicide as a result so I think you have to look at these things. As a Council we took action against Anti-Social Behaviour in a recent court case that we took to the High Court – the first Council in the United Kingdom to use the new legislation to take an errant individual who had gone far over the line by harassing and abusing staff and Members, including telling people to commit suicide. We have to stand up and fight these people through the proper systems when we can and unfortunately it is a bit of a war. We have now set an example, we won that case and that will now be case law in the courts going forward. Why should our staff be subjected to these sort of things? That is no way of behaving and Councillor Walder is absolutely right. This issue is a broader one and we want a zero-tolerance approach to this sort of behaviour in all its guises. We are a caring Borough and we want to look after the vast majority who want to enjoy their lives and go about their business safe in the knowledge that they are not going to be insulted, harassed, threatened and injured.”

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Licensing Committee

Minutes of a Meeting of the Licensing Committee held in Committee Room No.2, Civic Centre, Tannery Lane, Ashford on the **17th November 2021**.

Present:

Cllr. Webb (Chairman);
Cllr. Krause (Vice-Chairman);

Cllrs. Buchanan, Burgess, Ledger, Michael, Pickering, Rogers, Shorter, Wright.

Apologies:

Cllrs. Feacey, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Regulatory Lawyer, Member Services Manager.

182 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th January 2021 be approved and confirmed as a correct record.

183 Statement of Principles for Gambling

The Chairman welcomed everyone to the meeting and said that as the Committee did not meet that often, she wanted to take the opportunity to update on a few matters relating to both the Licensing and Regulatory Committees. Both Committees would next meet on the 18th January 2022. The Licensing Committee would set Gambling Act fees and consider an amendment to the Licensing Act Policy which would be highlighted later at this meeting. The Regulatory Committee meeting would set the licensing fees for taxis, scrap metal dealers and the maximum fees for hackney carriages. Going forward, it was also planned for the Committees to meet during, or prior to, October 2022. The Licensing Committee would review the Council's Film Classification Policy and the Regulatory Committee would review the Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy and review the Taxi Licensing Policy. In the shorter term, there were also a couple of potential cases to be brought before the Regulatory Sub-Committee within the next month or so, in order to consider the suitability of drivers to continue to hold licences. Details would be provided in due course and it was hoped that Members would be able to make themselves available for the Sub-Committee hearings.

With regard to the taxi fees and fares, a Member said he again encouraged the trade to take more of an active part in the consultation this year and asked Officers to re-iterate this point to them. This was their opportunity to contribute and make their

case and the previous apathy had been extremely disappointing. The Committee echoed those sentiments.

The Environmental Protection and Licensing Team Leader then introduced the report which presented the review and consultation of the Council's Statement of Principles for Gambling for 2022-25. He outlined the Council's responsibilities with regard to gambling and those that lay with the Gambling Commission and advised that the Council's Statement of Principles had to be renewed every three years.

The report was then opened up to the Committee and the following responses were given to questions/comments: -

- There was no equivalent in gambling to the legal requirement for licensed premises not to serve people who were inebriated (i.e. to not allow people to gamble when they had an issue). Some gambling companies had begun to liaise with the Samaritans and offered advice and support to those who they suspected may have an issue, but this was completely voluntary. Premises did also display posters and contact information advising how and where to get help. With regard to gambling machines in pubs and bars, there was a requirement that these were located in sight of the bar area and whilst there were no specific rules around not using them whilst intoxicated, these did come under the general duty of care of the License Holder.
- Licenses for individuals involved with Gambling were issued by the Gambling Commission. The Council licensed the premises. The Gambling Commission did undertake background checks on individuals as part of their application process.
- Rates for gambling machines were set by the Gambling Commission and these had been reduced in 2018. There was currently only one Adult Gaming Centre in the Borough which was located at the Ashford Truck Stop. Machines there had a maximum pay out of £500.

Recommended:

- (i) that the review of the existing statement of principles and consultation responses be noted.**
- (ii) that the Statement of Principles for Gambling 2022 – 2025 be republished.**

184 Licensing Act Policy 2019 – 2024 - Amendment

The Environmental Protection and Licensing Team Leader introduced the report. He advised that following increasing national concern surrounding the safety of women, and linked to the recent 'Safer Streets' grant funding from the Government, Members had also highlighted a desire to amend the Council's Licensing Act Policy to include details of the expectations of the Licensing Authority. This was particularly with reference to the safety of women and other vulnerable groups in premises where

alcohol for consumption on the premises formed a significant part of the business operation. A short consultation with statutory consultees was proposed to occur during December 2021 and the results would be collated and brought back to this Committee in January 2022.

The Committee was very much in support of the proposals and welcomed the consultation. Concern was expressed however that if the proposals were to be a success, this would rely on availability of taxis and other public transport options. Anecdotally, it was becoming increasingly difficult to obtain a taxi, particularly in the evenings and this did cause a concern as, realistically, after about 11pm, if you had had a drink, the only way home was to use a taxi. The Environmental Protection and Licensing Team Leader advised that the taxi trade was experiencing a shortage of drivers nationally and they were struggling to get people to come forward. Indeed the majority of industries involving drivers were also experiencing similar issues. This situation was being felt in Ashford. There had been some suggestions nationally about relaxing licensing requirements, but this did raise a public safety concern. The trade was encouraging people to pre-book their taxis and, ahead of Christmas, it was considered that there should be some publicity of this fact as people who did not go out regularly were likely to get caught out thinking they would just be able to find a taxi. The Committee considered strongly that licensing requirements should not be relaxed by the Council. This was all about public safety and whilst the shortage of drivers did need to be addressed, the modest application fee (which only covered costs) was unlikely to put people off and the application process was an important one in undertaking tests and checks. A Member said this gave more weight to the plea for the taxi trade to get more involved with the fees and fares consultation. If they were having issues as a trade they should come forward and ask for help.

A Member mentioned the possibility of some sort of "2dial-a-bus" system, utilising under-used vehicles, however it was acknowledged that the biggest issue was still a lack of available drivers.

Concern was expressed about the removal of funding for PCSOs in certain areas and a danger that voluntary sector groups such as the Street Pastors would become too relied upon at the expense of replacing those officers. People did still want to see a uniformed police presence. The Environmental Protection and Licensing Team Leader advised that the police would be an important part of the consultation, He knew they had put extra resources in to patrolling the night time economy in Ashford and the Chairman advised that there were also plans to increase the number of PCSOs across Kent.

As part of the consultation, the Committee encouraged Officers to target those individuals and groups who were actually dealing with these issues on a week to week basis such as: - SIA door staff; the local Police Officers and PCSOs; Street Pastors etc. Their views on the proposals would be distinct from owners/operators and be extremely valuable as well as providing an opportunity to find out all of the things they were already doing.

There was some discussion about personal responsibility. Whilst it was right for the relevant authorities to do all they could to assist people, there were certain things that were out of their control and people did have to understand the potential

consequences of their actions. Part of the report focussed on messaging and warning posters etc. and that was also important.

The Environmental Protection and Licensing Team Leader thanked the Committee for their comments. This draft was just a starting point and a small part of an extremely large programme of work across many agencies. They wanted to attack this problem from as many angles as possible.

Resolved:

That the report be received and noted and consultation take place ahead of the January 2022 meeting of the Committee.

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Licensing Committee

Minutes of a Meeting of the Licensing Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **20th January 2022**.

Present:

Cllr. Webb (Chairman);
Cllr. Krause (Vice-Chairman);

Cllrs. Burgess, Feacey, Ledger, Michael, Pickering, Shorter, Wright

Apologies:

Cllrs. Buchanan, Rogers, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Member Services Manager.

235 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was on the Management Committee of UK LPG.	237, 238
	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteer Centre.	237, 238
Webb	Made a 'Voluntary Announcement' as a Director of the Ashford Volunteer Centre.	237, 238

236 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 17th November 2021 be approved and confirmed as a correct record.

237 Proposed Fee Levels for Gambling Act and Licensing Act Applications 2022/2023

The Environmental Protection and Licensing Team Leader introduced the report which proposed fees for Gambling Act licences and notices for the financial year 2022/23 and he drew attention to the proposed fees contained within the report. He advised that the setting of licensing fees generally allowed the Licensing Authority to

recover the costs of processing licence applications, regulation and back office costs associated with the running of the licensing regime. The fees could not be set so as to be profit making, but the 'books' could be balanced over a number of years rather than in any individual year if profits/losses were very different to those expected. In response to a question he advised that this was generally over a 3-5 year period and he was satisfied that the proposed fees could be justified.

Gambling Related Fees

The report recommended that the fees increased broadly in line with inflation, except where fees were at the statutory maximum as prescribed by regulation.

The Committee wanted to thank the Officers for their hard work in engaging with the trade over the setting of these fees and considered that, as always, they had worked hard to arrive at a fair outcome for all concerned.

Recommended:

That (i) the proposed fees for gambling applications be approved.

RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2022/23

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	7535 (8000)	4277 (5000)
New Large Casino	8965 (10000)	8625 (10000)
Regional Casino	14201 (15000)	13317 (15000)
Bingo Club	2580 (3500)	803 (1000)
Betting Premises (excluding Tracks)	2625 (3000)	521 (600)
Tracks	2018 (2500)	803 (1000)
Family Entertainment Centres	2000 (2000)	694 (750)
Adult Gaming Centre	2000 (2000)	809 (1000)
Temporary Use Notices	222 (500)	N/A

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
New Small Casino	3084 (4000)	1793 (1800)	1507 (1800)	7535 (8000)	2677 (3000)	25 (25)	50 (50)
New large Casino	4077 (5000)	2105 (2150)	2150 (2150)	9016 (10000)	4428 (5000)	25 (25)	50 (50)
Regional Casino	6652 (7500)	4851 (6500)	4851 (6500)	14201 (15000)	6914 (8000)	25 (25)	50 (50)
Bingo Club	1750 (1750)	981 (1200)	981 (1200)	2580 (3500)	1066 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1491 (1500)	981 (1200)	981 (1200)	2580 (3000)	1066 (1200)	25 (25)	50 (50)
Tracks	1250 (1250)	950 (950)	950 (950)	2018 (2500)	950 (950)	25 (25)	50 (50)
Family Entertainment Centres	913 (1000)	950 (950)	950 (950)	2000 (2000)	883 (950)	25 (25)	50 (50)
Adult Gaming Centre	913 (1000)	981 (1200)	981 (1200)	2000 (2000)	1063 (1200)	25 (25)	50 (50)
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25 (25)	N/A

Ashford Borough Council's Licensing Authority proposes the following fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets.

- (ii) that the annual licensing summary in relation to the Licensing Act 2003 and Gambling Act 2005, at Appendix B to the report, be received and noted.

238 Statement of Licensing Policy 2019 - 2024

The Environmental Protection and Licensing Team Leader introduced the report which presented the results of a statutory consultation on a proposed amendment to the Council's Statement of Licensing Policy 2019-2024. This was based around the expectations of the Licensing Authority on the safety of women and vulnerable persons surrounding certain alcohol licensed premises and complemented ongoing

work of the Council and partners. Four responses to the consultation had been received and were appended to the report along with the updated draft policy. He concluded by summarising the proposed updates.

The Chairman also drew attention to the comments of Councillor Lyn Suddards which had been tabled for information, as she had been unable to attend today's Meeting due to holiday.

The item was then opened up to the Committee and the following responses were given to questions/comments: -

- Free tap water should be available in all licensed premises. The key would be to encourage premises to specifically advertise this so customers were aware and felt comfortable asking for it.
- It remained a criminal offence to serve alcohol to someone who was already intoxicated. There had been examples locally of fixed penalty notices being issued for this and some establishments had sent staff on responsible retailing training. It was recognised that this was not a straightforward issue and table service during the pandemic and people buying drinks for others had made this more challenging. The Committee accepted that there was also an element of personal responsibility and there were already a number of pressures on staff who worked in licenced premises. The Council did undertake regular visits and spot checks in the night-time economy with the Police, so whilst it was an ongoing challenge, there were things going on.
- A Member thought consideration should be given to establishing an educational course on responsible drinking. This would be equivalent to the awareness course for drivers who were caught speeding and people could be sent on it when they were arrested for being drunk and disorderly.
- The door staff operating in the Borough had been included in the consultation but unfortunately no responses had been received.
- Once approved, the amended policy would be published on the Council's website. The Environmental Protection and Licensing Team Leader agreed to proactively send it to all premises as well.
- Kent Police were looking to establish an accreditation scheme for licensed premises, similar to the star ratings for hygiene, called "Best Bar None". It was still very early in the process, but Ashford was being lined up to be part of the pilot and more details were expected in the coming weeks. The Environmental Protection and Licensing Team Leader agreed to share those with Committee Members when available.
- It was accepted that the proposals were not a panacea and there was always more to do, but they were considered to be a good starting point and would complement other work such as the Safer Streets Initiative and Active Bystander Training.

Resolved:

That the statutory consultation responses and the prepared draft policy be received and noted.

Recommended:

That the amendment of the Statement of Licensing Policy 2019-24 be approved and adopted.

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Regulatory Committee

Minutes of a Meeting of the Regulatory Committee held in Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **20th January 2022**.

Present:

Cllr. Webb (Chairman);
Cllr. Krause (Vice-Chairman);

Cllrs. Burgess, Feacey, Ledger, Michael, Pickering, Shorter, Wright.

Apologies:

Cllrs. Buchanan, Rogers, Smith, L Suddards.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Member Services Manager.

239 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was on the Management Committee of UK LPG.	241, 242
	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteer Centre.	241, 242
Webb	Made a 'Voluntary Announcement' as a Director of the Ashford Volunteer Centre.	241, 242

240 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th January 2021 be approved and confirmed as a correct record.

241 Proposed Fee Levels for 2022/23 Licensing Applications

The Environmental Protection and Licensing Team Leader introduced the report which proposed fees for licences for 2022/23 (excluding those previously proposed by the Licensing Committee). He advised that the setting of licensing fees generally allowed the Licensing Authority to recover the costs of processing licence applications, regulation and back office costs associated with the running of the

licensing regime. The fees could not be set so as to be profit making and failure to set fees appropriately did open the Council up the legal challenge. The report also advised of the continuation of the 'green' taxi incentive scheme and gave a summary of licensing activity in 2021.

The Environmental Protection and Licensing Team Leader then drew attention to the proposed fees contained within the report.

Sex Establishment Fees

The report proposed that the fees be retained at the existing level.

Hackney Carriage and Private Hire Fees

It was proposed that fees be increased generally in line with inflation with the following exceptions.

Scrap Metal Dealers Fees

The report recommended an increase in fees broadly in line with inflation (RPI).

In response to a question, the Environmental Protection and Licensing Team Leader advised that Ashford's fees were benchmarked against other Authorities. Whilst it wasn't an 'exact science' as each Authority had its own inspection regimes and other circumstances, generally Ashford was about mid-range and this felt right. He agreed to include such information in future reports.

Recommended:

That (i) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2022/23

	CURRENT FEES 2021/22	PROPOSED FEES 2022/23
Grant	£3499	£3499
Transfer	£334	£334
Renewal	£334	£334

(ii) that the Hackney Carriage, Private Hire and Operator applications licence fees as given below be approved for the purposes of public consultation.

**RECOMMENDED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2022/23**

	CURRENT FEES 2021/22	PROPOSED FEES 2022/23
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£72.00	£74.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£149.00	£153.00
Additional driver's licence (adding a licence)	£31.00	£32.00
Hackney Carriage Knowledge Test & Re-test	£59.00	£61.00
Replacement badge / Licence	£12.50	£13.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£335 - New £300 - Renewal	£346 - New £305 - Renewal
Vehicle Plate Internal / External	£21.00	£22.00
Transfer of Vehicle Licence (with or without vehicle plate)	£35.00	£38.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	£32.00	£32.00
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	No Charge	No Charge
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles : £143 4-10 vehicles : £474 11-20 vehicles : £947	1-3 vehicles : £147 4-10 vehicles : £483 11-20 vehicles : £960
To increase number of vehicles licensed during duration of Operators Licence	1-3 : £141.00 4-10 : £328.00 11-20 : £475.00	1-3 : £145.00 4-10 : £334.00 11-20 : £483.00
Fee for Returned (Bounced) Cheques	£17.50	£18.00

(iii) that the scrap metal site and collectors fees as given below be approved.

**RECOMMENDED SCRAP METAL SITE AND COLLECTORS LICENSING FEES
2022/23**

	CURRENT FEES 2021/22	PROPOSED FEES 2022/23
Grant Site Licence	£344	£354
Grant Collectors Licence	£231	£237
Renewal Site Licence	£231	£237
Renewal Collectors Licence	£115	£118
Variation	£87	£89
Replacement Licence	£12.50	£12.50

(iv) that the annual licensing summary, at Appendix D to the report, be received and noted.

242 Review of the Hackney Carriage Fare Scale 2022/23

The Environmental Protection and Licensing Team Leader introduced the report and advised that the Committee were asked to recommend a Hackney Carriage Fare Scale to Full Council, based on the information and evidence available to it. The fare scale was designed to protect the public from excessive fares and act as a maximum fare that could be charged. Drivers/proprietors were free to charge less or offer discounts, and this was actively encouraged. He drew attention to a number of points, namely: -

- A very small percentage of the trade (only five of a potential 551 licences) had responded to the call for evidence. This was despite an open invitation and further reminders to respond.
- An email had been received the previous evening and whilst this was not directly in response to the call for evidence, the comments within in were useful and the Environmental Protection and Licensing Team Leader read it to the Committee.
- In recent years 2017 and 2019 had seen 3% increases to the fare scale and 2019 had also seen a 10 pence increase to the drop rate. In each of the other five years there had been no increases.
- Fuel prices had risen steadily month on month since November 2020 and continue to do so substantially.
- Inflation (RPI) stood at 5.2% over the last 12 months.
- Insurance premiums for general vehicles had dropped an average of 10-16% over the past 12 months, bring car insurance costs to their lowest level in six years..

- The local fare rate had dropped slightly when compared to that nationally and a county level. This was currently 10th in Kent out of the 13 Local Authority areas.

In recommending a fare scale, Officers asked the Committee to consider both a percentage change in the drop rate and yardage rates. The drop rate being the minimum charge and the latter being the ongoing fare per so many yards or seconds. Options open to the Committee were a decrease to the current tariffs (including percentage change), no change, or an increase to the current tariff (including percentage change).

The Chairman said that the low level of responses from the trade continued to be disappointing. Low consultation response figures occurred year on year despite more and more efforts to encourage a greater level of response from the trade and it was in their interests to engage more. Another Member agreed and said that what dismayed him most was the fact that the taxi trade was such an important element of what they were all trying to achieve in the Borough. The Council had done everything to could to get people to come forward with evidence. His feeling and instinct was that given what was happening nationally, there should be an increase, but without any firm evidence from the trade it was difficult to come to that conclusion with any real confidence. As responsible elected Councillors he felt it was their responsibility to give everyone a fair opportunity. They wanted and needed the taxi trade to flourish, whilst still providing a fair deal for residents, so this was a difficult balance.

There was a discussion on the practicalities of low emission vehicles being used as taxis and how this tied in with the Council's wider carbon neutral targets. The Environmental Protection and Licensing Team Leader referred to the Green Taxi Initiative to encourage drivers to move to low emission vehicles by waving licensing fees for three years (a £1000 incentive). This was funded via Section 106 monies and was proposed to continue beyond its original March 2022 end date, subject to funding. There were also additional grants available for this from Central Government and Kent County Council and an upcoming event with the Energy Savings Trust on the 8th February to which the trade would be invited to discuss the benefits of moving to green vehicles and undertaking test drives. It did have to be acknowledged though that at present the practicalities of being a taxi driver in this Borough did not lend themselves well to electric vehicles and they did not expect to see a sudden upsurge in numbers. Members asked if there were any opportunities to assist in making green vehicles more attractive such as introducing a token system to allow charging as an alternative to waiting on a rank, or even more generally to making driving taxis a more attractive job option, and if these could be examined over the next 12 months?

A Member asked if taxi drivers could be considered for any business support grants that may still be available coming out of the pandemic. There were a number of small companies and individuals who were operating in the night time economy and providing a service but were clearly struggling.

On balance, Members considered it probably was the right time was right for a fare increase of 3% but to keep the drop rate as it was. It was noted that if there were significant spikes in costs during the year the Taxi Forum could request the Committee to undertake an interim review mid-year. The Council also reviewed the

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fares annually, which was more often than some Authorities who only did it biennially.

A motion was put forward, and seconded, that there should be a 3% increase to fares but no increase to the drop rate. This was voted upon and there was unanimous agreement.

Recommended:

That the Hackney Carriage fare scale for 2022/23 as given in the table below be approved for the purpose of issuing a public notice.

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PROPOSED FARES FOR 2022/23

(a) Fares for distance or time: Rate 1	£
If the distance does not exceed 601 yards, for the whole distance or for the first 191 seconds of waiting time	2.90
For each subsequent 157 yards or uncompleted part thereof	0.20
Or for each subsequent period of 50 seconds of waiting time or uncompleted part thereof	0.20
(b) Fares for certain times and days: Rate 2	
a) For each hire commenced between 00.00 and 07.00	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
(i) Fares for certain times and days: Rate 3	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEAR'S DAY	2 x Rate 1
When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	
2 Miles - £6.70	
5 Miles - £13.50	
10 Miles - £24.70	

Extras - up to a maximum of £1.20	
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance.	0.20
Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.	
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs	0.10

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **28th October 2021**.

Present:

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

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

Apologies:

Cllrs Chilton, Head of Corporate Property and Projects.

Also Present:

Cllrs. Harman, Sparks, Wright.

In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Environment and Land Management, Head of Finance and IT, Grounds Maintenance Operations Manager, Web and Communications Assistant, Member Services Manager.

165 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 30th September 2021 be approved and confirmed as a correct record.

166 Leader's Announcements

The Leader said he had a couple of important announcements to make evening. Firstly, he was pleased to advise that the Council had been successful in its application to the Government for Round 1 of the Levelling Up Fund. This related to an application for Ashford International Studios at Newtown Works and the Minister, Neil O'Brien MP, had written to the Leader advising that they would receive the full grant of £14,773,745. The Minister had praised the strength of the application, which had performed well against the Government's assessment criteria and he had appreciated the hard work that had gone in to the application. He was also as keen as the Council to get delivery and spend underway quickly. The letter had concluded by advising that officials from the Department for Levelling Up, Housing and

Communities would be in contact shortly regarding the next steps for the application, including the completion of delivery, financial, monitoring and risk register templates ahead of an inception meeting to help get delivery underway. The Leader said this was great news for Ashford and he wanted to congratulate everyone involved with the bid.

Secondly he said he wanted to make mention of the discussion at Full Council the previous week about the safety of women and girls. He knew it was a national issue but he thought it was disgraceful that women and girls felt intimidated and unsafe on our streets and that there was a sentiment that they should just learn to live with it as “that is the way things are”. He thought there was an obligation on everyone, particularly males, to alter their behaviour and ensure that this did not continue. He had outlined a long list of measures that they were engaged with in this area at the Council meeting, and he said they would continue to push ahead in every way possible, including working with other agencies where necessary, including with KCC on street lighting. Ashford was striving to be a caring Borough for everyone, including the disabled and the vulnerable, and work against this sort of intimidation and violence would go hand in hand with that. Caring Ashford was not a mere slogan, he wanted to continue to see action.

167 Medium Term Financial Plan

The Portfolio Holder introduced the report which presented the Medium Term Financial Plan (MTFP), a budget forecast including underlying assumptions, covering a five year period from 2022 to 2027 for the General Fund. The Draft Budget would be built using the assumptions in the MTFP and would be reported to Cabinet the following month. He also pointed out a minor typographical error in recommendation (iii) of the report.

The Leader drew attention to the table of earmarked reserves on page 20 of the report.

Resolved:

- That**
- (i) the forecast be noted and the underlying assumptions accepted.**
 - (ii) it be noted that 2022/23 funding is based on current funding with spending reviews, fair funding and Business Rate changes now to be implemented from 2023/24.**
 - (iii) the Reserves Strategy at Paragraphs 35 to 44 of the report be endorsed.**
 - (iv) authority be delegated to the Deputy Chief Executive, in consultation with the Leader and the Portfolio Holder for Finance and IT, to agree the Council’s continued participation in the Kent Business Rates pool.**

168 The Creation of Meadows and Enhanced Land Management Plans to Support Increased Biodiversity, Reduce Impacts of Climate Change and Connect People

The Portfolio Holder introduced the report which advised that the Council was acting boldly and decisively to increase biodiversity within green spaces owned by the Council. This was in response to the Government agenda to improve the natural environment, the Council's own Corporate Plan objective to be a Green Pioneer and its commitment to tackling climate change.

The Deputy Leader commended the report which he said was a good step forward and he was particularly pleased to see the references to plans for Queen Mother's Park.

A Member asked if lessons learned from this work could be shared more widely with other areas and Parish Councils as she knew they would have pieces of land in their own areas where they would like to create similar environments. The Grounds Maintenance Operations Manager for Aspire said he would be happy to do so.

Resolved:

That the development of enhanced land management plans be supported in order to further support increased biodiversity and connect people with the environment to support health and wellbeing.

169 Corporate Property Performance - Annual Report

The Portfolio Holder 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 2021 was shown in the Corporate Property Income Schedule at Appendix 1 to the report. The report also provided a summary of how the Council's main commercial assets were performing and the work the Council was undertaking to improve or maintain such performance. He wanted to praise the Officers involved for the sterling job they had done in continuing to manage the portfolio during the pandemic and in maintaining performance at a relatively high level. He drew particular attention to: - International House; Carlton Road Business Park; Elwick Place and the Council's garage stock.

Resolved:

- That**
- (i) the revenue performance of the Council's Corporate Property Portfolio during the financial year 2020/21, as provided for in the Corporate Property Income Schedule attached at Appendix 1 to the report, be noted.**
 - (ii) the current position with the major commercial assets be noted, particularly in light of the impacts of the coronavirus pandemic.**

170 Queen's Platinum Jubilee and Albacore Event Programme 2022

The Portfolio Holder introduced the report which advised that Ashford Borough Council was proposing to mark a number of significant national and local anniversaries in 2022, including the Queen's Platinum Jubilee which would be celebrated nationally from 2nd – 5th June, as well as Warship Week, HMS Albacore and the 80th Anniversary of the Ashford Sea Cadets. The report set out plans to celebrate those anniversaries. He stressed that whilst it was right that the Council took the lead, they wanted to focus on local community participation. The Portfolio Holder advised that there were some errors with the figures in the body of the report, but those in the recommendations were the correct ones.

Resolved:

- That (i) **the proposed programme of events be agreed and a budget of £55,000 be agreed from reserves to celebrate the Queen's Platinum Jubilee and the 80th Anniversary of HMS Albacore and the Ashford Sea Cadets in 2022.**
- (ii) **authority be delegated to the Head of Culture, Tourism and Leisure and the Solicitor to the Council and Monitoring Officer to put in place all arrangements, in consultation with the Portfolio Holder for Culture, Tourism and Leisure and the forthcoming Mayor for 2022.**

171 Trading and Enterprise Board – Minutes of 28th September 2021

Resolved:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 28th September 2021 be approved and adopted.

172 Civic and Ceremonial Programme Board – Notes of 29th September 2021

Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 29th September 2021 be received and noted.

173 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.

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **25th November 2021**.

Present:

Cllr. Clarkson (Chairman);

Cllrs. Bell, Clokie, Feacey, Forest, Iliffe, Shorter.

Apologies:

Cllrs. Bartlett, Buchanan, Pickering, Chilton, Michael.

Also Present:

Cllrs. Burgess, Harman, Ovenden, Sparks, C Suddards, Wright.

In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Planning and Development, Head of Corporate Property and Projects, Head of Housing, Accountancy Manager, Development Partnership Manager, Communications and Marketing Manager, Governance and Data Protection Officer, Member Services Manager.

185 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 28th October 2021 be approved and confirmed as a correct record.

186 Leader's Announcements

The Leader said that whilst the Council did not tend to campaign on individual issues and favoured writing directly to those in authority about issues that concerned them, there were a few that resonated very widely with all communities across the country. From Thursday 25th November, for 16 days, there would be a national White Ribbon campaign to end violence against women and Members may recall his very robust statement about this subject at the last Full Council Meeting. "All Men Can" was the leading message this year because all men could make a difference. This was developed back in March when the murder of Sarah Everard brought women's experience of men's violence to the forefront of everyone's minds. It also opened up many conversations about men taking action and making a stand. The Council would

run this as both an internal and external campaign. Earlier that day, the white ribbon flag had been temporarily raised for 16 days on one of the flagpoles outside the Civic Centre and the Council would be making social media posts to encourage the community to take part. The Council also had white ribbon bunting up in the customer reception and Customer Service Advisors on reception would be wearing white ribbon lanyards and encouraging conversations with the public.

Secondly, the Leader said he wanted to make mention of the Ashford Volunteer Centre. He said the Borough was very blessed to have such an active centre and he was pleased to announce that it would be assisting KCC in co-ordinating volunteering across the county. KCC was launching a new £170,000 scheme to harness the vital contribution of Kent's amazing volunteers and this pilot scheme would be in partnership with the Ashford Volunteer Centre to help establish a co-ordinated, volunteer system for Kent. This would build on the invaluable contribution volunteers played in communities - especially over the past 18 months – and all formed a vital part of KCC's new draft 'Civil Society' which would be considered by their Cabinet on Thursday the 9th of December 2021.

187 Report of the Overview and Scrutiny Committee – Section 106 Processes

The Chairman of the Overview and Scrutiny Committee introduced the report which advised that the Committee had agreed to form a Task Group to review the Council's Section 106 processes. The report presented a summary of the Task Group's meetings during the review and outlined the key findings, with a total of eight recommendations that aimed to improve various parts of the Section 106 process. Perhaps the key finding had been the sheer amount of parties involved in the process and how many had a limited understanding of what others did. Therefore the process mapping exercise mentioned in recommendation (i) was the most important and set the scene for the other recommendations. With regard to training, he advocated this being filmed and saved so there was a consistent record for any newcomers. Parish Councils for example had an almost constant turnover of Members. He expressed his thanks to the Policy and Scrutiny Officer without whom they would not have been able to pull together such an effective review and who had done a fantastic job since being appointed.

The Leader said he was delighted that the Overview and Scrutiny Committee had chosen to examine this particular area and welcomed their findings. He proposed one minor amendment to recommendation (iv), adding reference to the Portfolio Holder for Planning and Development, but other than that he said the Cabinet was happy to accept the eight recommendations in their entirety.

On a more general point about resources, the Portfolio Holder for Planning and Development advised that this was a challenge for all planning departments nationally and whilst there were plans underway to address this at ABC, it would take time and have to be managed in the meantime.

Resolved:

- That**
- (i) a process mapping exercise be undertaken to provide clarity and guidance to Officers and Members involved in the Section 106 process. Once completed, the process map would inform recommendations (ii) to (viii).**
 - (ii) guidance and training be provide for Officers involved in the Section 106 process to clarify roles and responsibilities of all Officers. Additionally, a ‘handbook’ be created for both Members and Parish Councillors to explain the basic concepts of Section 106.**
 - (iii) communication over Section 106 be improved between the Planning Service and Parish Councils, including key contact(s) for accessing advice.**
 - (iv) training on Section 106 should be provided to Members and Parish Councils on an annual basis. The initial programme for the training should be reviewed by the Member Training Panel, in consultation with the Chairman of the O&S Section 106 Task Group and the Portfolio Holder for Planning and Development.**
 - (v) the new Planning IT software provide information on the Council’s website about what Section 106 monies are available to individual parishes.**
 - (vi) delivery of the Infrastructure Contributions SPD should be prioritised. The SPD should provide an up-to-date list of what is expected of developers within a single document. This will provide clarity for all parties involved in the Section 106 process.**
 - (vii) there is a standardising of Section 106 agreements and use of templates where appropriate.**
 - (viii) Legal Services be trained to use the new IT system adopted by the Planning Department, to enable them to access relevant planning documentation and therefore streamline the process.**

188 Corporate Performance Report – Quarter 2 2021/22

The Portfolio Holder introduced the report which summarised performance against the performance indicators introduced in the Recovery Plan presented to the Cabinet in July 2020. He reinforced that the data within the report belonged to all Members and he encouraged all to interrogate the report where it applied to them.

Resolved:

That the performance date for Quarter 2 2021/21 be received and noted.

189 Draft Budget 2022/23

The Portfolio Holder introduced the report which presented the draft budget for 2022/23 for the General Fund and Housing Revenue Account. The draft budget was in line with the Medium Term Financial Plan presented to the Cabinet in October, and which formed the basis for this draft budget. It would now be submitted to the Overview and Scrutiny Committee for review as well as the formal budget consultation processes. He re-iterated that any responses received during the consultation period would be looked at closely. He thanked the Accountancy Manager for his hard work in pulling the report together.

Resolved:

- That
- (i) the draft budget for 2022/23 be approved.**
 - (ii) the savings still to be identified be noted and the approach adopted to deliver these savings be approved.**
 - (iii) Heads of Service be requested to provide updates on progress made towards achieving savings targets through the corporate Budget Monitoring report.**
 - (iv) the draft Housing Revenue Account budget for 2022/23 (Section 2 of the report refers) be approved.**
 - (v) this report will be used as the basis for budget consultation with the public, the business community, Parish Councils and staff.**
 - (vi) the draft budget as set out in the report be agreed to be submitted to the Overview and Scrutiny Committee's Budget Task Group for formal scrutiny.**

190 Council Tax Base 2022/23

The Portfolio Holder introduced the report which advised that the Council was required to approve the tax base used to calculate the level of Council Tax for 2022/23. It was calculated with regard to the number of domestic properties (including a forecast of new properties), which were then converted to Band D equivalents. There had been a slight error in the report summary box and Officers clarified that the tax base had been calculated at 48,664 Band D properties, an increase of 3491 (or 7.73%) on the current year. He concluded by re-iterating that last year had seen a one-off transitional Council Tax Support Grant for Parish Councils. In accordance with previous decisions, both this and the Concurrent Function Grant, would be removed for 2022/23.

Resolved:

- That (i) the 2022/23 'Net' tax base of 48,664 Band D equivalent properties be agreed.
- (ii) the possibility of further Cabinet and Council decisions being required before the end of January should any material change in the tax base be required as a consequence of any further relevant funding announcements from Government, be noted.

191 Financial Monitoring Report – Quarter 2 2021/22

The Portfolio Holder introduced the report which presented the Quarter 2 budget monitoring position for 2021/22, based on data available up to 30th September 2021. The overall position had improved by £381,000 since the first monitoring report and the Council was now forecasting an overall surplus of £421,000 at year end. The Housing Revenue Account (HRA) was forecasting an increase in spend since the previous monitoring report of £128,000. The reasons for this were outlined in the report. The report also provided an update on the Collection Fund, Capital expenditure, Treasury Management and Reserve movements.

Resolved:

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.
- (ii) the Collection Fund position be noted.
- (iii) the contribution to reserves (at Table 5 of the report) be noted.
- (iv) the Treasury Management position be noted.

192 Corporate Plan 2022 - 2024

The Leader introduced the report which presented the findings of the draft Corporate Plan consultation. The draft plan had been approved for consultation by the Cabinet on the 29th July 2021 and the consultation had run from 18th August to 1st October. Eleven responses had been received which had informed the final draft of the Corporate Plan for 2022 – 2024. This had been appended to the report in full and was recommended for adoption.

Resolved:

- That (i) the findings of the draft Corporate Plan consultation be noted.
- (ii) the final draft Corporate Plan 2022 – 2024 be approved and adopted.

193 Solar Projects and Programme

The Portfolio Holder introduced the report which presented for approval a project to proceed with a significant half megawatt roof mounted solar array on industrial units at Carlton Road, Ashford at a cost of £401,000, including professional fees. He drew attention to his Portfolio Holder comments within the report and re-iterated that this project was in line with the Cabinet's pledge to achieve zero carbon in the Council's own estate and operations by 2030, as well as Green Pioneer targets in the Council's new Corporate Plan and Carbon Neutral Action Plan.

Resolved:

- That (i) the contents of the report be approved.**
- (ii) spending of £401,000 be authorised to design and build a solar installation at the Carlton Road industrial park.**
- (iii) it be noted that further renewable schemes are at feasibility stage.**

194 First Homes Position Statement

The Portfolio Holder introduced the report which advised that First Homes was the latest Government affordable housing product aimed at allowing people to progress towards home ownership. It followed on from, and adapted, the 'Starter Home' initiative which was first introduced around six years ago. The paper set out how the Council would respond to the Written Ministerial Statement, bearing in mind that the Council had a recently adopted Local Plan that set out how affordable housing should be delivered in the Borough.

Resolved:

- That (i) the Council adopt a flexible position on First Homes to take into account the nature of the Written Ministerial Statement and the Council's adopted policy on affordable housing delivery.**
- (ii) the broad scope of a Position Statement detailed in the report be agreed, which will demonstrate how First Homes should be applied until such time as a Local Plan Review is engaged or a Supplementary Planning Document is prepared, and**
- (iii) responsibility for the final contents of the Position Statement be delegated to the Head of Planning and Development, in consultation with the Portfolio Holder for Planning and Development, Head of Housing and Portfolio Holder for Housing.**
- (iv) when agreed, the Position Statement is treated by the Council as a material consideration for the purpose of planning decisions.**

195 Rough Sleeper Accommodation Programme

The Portfolio Holder introduced the report which advised of the successful bid for further funding from the Rough Sleeper Accommodation Programme and sought approval for the capital spend required to double the number of move-on homes the Council would be able to provide through this project. These would be homes bought through the process that currently secured street purchase properties in the Housing Revenue Account.

The Leader said it was important that the Council continued its good work in supporting some of the Borough's most vulnerable people who were rough sleeping and to get them off the streets. This was a complex issue, with a myriad of reasons why people were rough sleeping, but he was proud of the Council's Officers who dealt with the issue robustly but sensitively. He understood that the affected Ward Member had expressed concerns about the location of the first property in Beaver Road, when there were already a number of Houses of Multiple Occupation in that Ward. He had some sympathy with that concern and said that the Council would try to spread the homes among different Wards.

Other Members said that the Council should be rightly proud of its approach to homelessness. Compared to other Districts, the situation in Ashford was noticeably better, with the Council not only providing shelter, but also ongoing wrap-around support to help people rebuild their lives.

Resolved:

- That**
- (i) it be noted that work has already begun to secure the move-on homes and the Intensive Housing Support Officer after the first successful bid.**
 - (ii) it be noted that the Council has been successful in securing capital grant of £530,000 and revenue grant of £87,500 through its second bid to the Rough Sleeper Accommodation Programme.**
 - (iii) capital spend of £1,246,000 be agreed to supplement the capital grant.**
 - (iv) the General Fund owned property at 240 Beaver Road not be sold but instead converted to be part of the Rough Sleeper Accommodation Programme.**
 - (v) the programme be reviewed towards the end of the three year cycle.**

196 Kent Music School – Supporting Relocation to Ashford

The Portfolio Holder introduced the report which advised that Kent Music (KM) was looking to consolidate its property assets and reduce its property costs through a

proposed relocation to a new custom built facility on the new Javelin Way estate. The KM board had approved the decision to move and they were seeking a loan from the Council for the cost of the building. They proposed to secure the loan on the building with a floating charge on the other assets of the charity. He drew attention to the tabled paper which advised that the report had been marked draft in error and made amendments to the legal implications and recommendations.

A Member asked if KM's participation in Ashford's community would come to a relevant Committee for debate via a Service Level Agreement (SLA) or similar? The Leader said the most important thing was to get KM to Ashford first and let them settle, so there was no SLA proposed as part of this report. The Portfolio Holder for Culture advised that KM were already participating in Cultural Network meetings in Ashford so they already had good communications with them and that would only build once they were settled in Ashford.

Recommended:

- That (i) **in principle loan funding for Kent Music be approved to purchase the new facility in Javelin Way, Ashford, up to a value of £1.4m, subject to the conditions outlined in the report and the heads of terms for a loan agreement set out in Appendix A to the report, and subject to the satisfactory completion of due diligence as outlined below.**
- (ii) **the Deputy Chief Executive be authorised, in consultation with the Chief Executive, the Solicitor to the Council and the Portfolio Holder for Finance & IT, to negotiate measures and take any other steps he considers prudent in the Council's interests in order to enable the transaction to proceed as a sound investment, and to approve final due diligence reports and a final risk analysis schedule which are satisfactory in his view. (In the event that these matters are not satisfactory, the proposal be reported back for decision by Members).**
- (iii) **authority to finalise the terms of the loan and security be delegated to the Deputy Chief Executive in consultation with the Chief Executive, the Solicitor to the Council and the Portfolio Holder for Finance & IT.**
- (iv) **the Solicitor to the Council be authorised, in consultation with the Deputy Chief Executive, to negotiate and complete all necessary legal documentation including a loan agreement and a legal charge over the facility, to put the above decision into effect.**

197 Adoption of a Local Validation Checklist for Planning

The Leader advised that following a helpful discussion with the Portfolio Holder and the Head of Planning and Development he was proposing two amendments to the report. Firstly, that the review date in recommendation (ii) be changed from 2023 to 2022 and secondly, to change the time allowed for insufficient information to be

supplied by applicants/agents from 21 days to three months (page 247 of the report refers). They had also proposed that in the published Planning Application Process, it be made plain that the listing of the Local Validation Requirements is indeed a comprehensive list from which the Planning Authority will, when approached by the applicant/agent, issue a written specific list of Local Validation Requirements for each individual planning application.

The Portfolio Holder introduced the report and advised that the proposed amendments were sensible and had his support.

Recommended:

- That (i) **the proposed Local Validation Checklist be endorsed and adopted.**
- (ii) **that Local Validation Checklist be reviewed in full before the end of 2022.**
- (iii) **the Head of Planning and Development, in consultation with the Portfolio Holder for Planning and Development, be delegated authority to make any minor amendments to the Local Validation Checklist.**

198 Ashford Strategic Delivery Board – Notes of 15th October 2021

Resolved:

That the Minutes of the Meeting of the Ashford Strategic Delivery Board held on the 15th October 2021 be received and noted.

199 Compliance and Enforcement Board – Notes of 26th October 2021

Resolved:

That the Notes of the Meeting of the Compliance and Enforcement Board held on the 26th October 2021 be received and noted.

200 Information Technology and Digital Transformation Advisory Committee – Notes of 28th September 2021

Resolved:

That the Notes of the Meeting of the Information Technology and Digital Transformation Advisory Committee held on the 28th September 2021 be received and noted.

201 Local Plan and Planning Policy Task Group – Notes of 21st October 2021

Resolved:

That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 21st October 2021 be received and noted.

202 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.

203 Economic Regeneration and Investment Board – Notes of 7th September 2021

Resolved:

That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 7th September 2021 be received and noted.

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Decisions effective from the 31st December 2021 unless they are called in or are recommended to the Council for approval

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16th December 2021**.

Present:

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

Cllrs. Bell, Buchanan, Clokie, Feacey, Iliffe, Pickering.

Apologies:

Cllrs. Forest, Shorter, Chilton.

Also Present:

Cllrs. Brooks, Spain, Sparks, Wright.

In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Housing, Economic Development Manager, Member Services Manager.

216 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as a Member of Kingsnorth Community Council	220
Iliffe	Made a Voluntary Announcement as a Member of Kingsnorth Community Council	220

217 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 25th November 2021 be approved and confirmed as a correct record.

218 Leader's Announcements

The Leader said that he had no particular announcements this evening other than to advise that the Council were adopting the Government's new rules for Covid at the Civic Centre. Officers had acted very swiftly in the last week or so apply them and he wanted to thank them for their efforts.

219 Housing Revenue Account (HRA) Business Plan 2021 – 2051 (including Financing and Affordable Homes Programme)

The Portfolio Holder introduced the report which explained that each year Members were asked to agree the priorities within the HRA and note a 30 year Business Plan. This set the parameters of the work and spend that were undertaken by the Council's housing teams and underpinned every decision taken in the HRA.

Resolved:

- That
- (i) the HRA Business Plan financial projections be referred to the Overview and Scrutiny Committee's Budget Task Group to support the Draft HRA Budget reported to Cabinet in November.**
 - (ii) the updated HRA Business Plan and financial projections be agreed.**
 - (iii) delegated authority be given to the Head of Housing, in consultation with the Head of Finance and IT and the Portfolio Holders for Housing and Finance and IT, to acquire land up to the value of £5m and this be extended to include s106 acquisitions up to the value of £5m.**
 - (iv) the streamlined process for commencing the preparatory work on acquired sites as outlined in paragraphs 37 and 38 of the report be agreed, and it be noted that, where time permits, Members' approval for acquisitions will be sought and reported through to Cabinet, otherwise the existing delegated authority will be utilised.**
 - (v) the HRA priorities set out in the report from paragraphs 7-53, which mirror those agreed by Cabinet Members in the equivalent report last year, be noted.**
 - (vi) the Council will continue with the on-street purchase programme, recognising that some units per annum will be cross-subsidised in later financial years, and set affordable rents.**
 - (vii) the progress in delivering affordable housing in the HRA and temporary accommodation within the General Fund as set out in the report be noted.**

- (viii) **the Council's plans for future housing delivery, as set out in Exempt Appendix A to the report which presents projects underway or in consultation phase be noted, and authority be delegated to the Head of Housing, in consultation with the Head of Finance and IT and the Portfolio Holders for Housing and Finance and IT, to vary the programme as necessary.**

220 Bockhanger Consultation Outcomes 2021 and Next Steps

In accordance with Procedure Rule 9.3 Mr Dean, a local resident, spoke on this item. He said he hoped that Cabinet Members would have at least had a chance to skim read the summary report sent to Councillors earlier in the week. This had been produced by the 'Bockhanger and Bybrook Matters' Group, which was a group set up by residents of those two Wards in response to a general dis-satisfaction of residents who felt they were not being listened to or heard by the Borough Council. He realised there may be differing views around this, but this was particularly felt regarding issues related to the old Community Centre and what would replace it. Bockhanger and Bybrook were the two Wards most affected by the loss of the community facility and the Borough Council's last survey had received only 41 replies – a number of which were from a much wider area. As a consequence of this, the Group decided to build its own survey and the Group wanted to ask the Cabinet to consider it properly as it statistically represented the views of the local residents – probably more effectively than the Council's 2020 survey. One example he pointed to was the housing question in the 2020 survey where the response indicated that 28% of respondents (from that wider geographical base) considered affordable housing to be the number one priority. Their own survey had shown that figure to be 18% with 20% pointing to 'social housing'. The survey had shown that residents did have very a clear view about what facilities they would like to see. In conclusion Mr Dean said he would like to ask the Cabinet to consider deferring any final decisions for two months to allow ABC Officers to fully analyse and discuss the survey results produced by the Group. In addition the Group would ask the Council to consider actively researching alternative funding streams for the project, not just HRA funding.

The Deputy Leader advised that this issue had been discussed at the Kennington Community Council meeting the previous evening. The Group had endeavoured to provide further information to the Community Council and a further analysis of their survey early in the New Year. This would include details of other facilities in the area, including their availability and size and a more detailed critique of the consultation, and that would all be most welcome. There would also be further meetings in the New Year between Community Council Members and members of the Group to shape the operation of any new community facilities. One issue from the emerging proposals that had been raised was the size of the proposed hall and the capital costs being met from Central Government affordable housing sources. Therefore there needed to be a clear agreement on what was wanted and how that would be paid for if those sources were not going to be accessed. This was a significant piece of work that could take time, but the costs for this were now budgeted by the

Community Council and that work would proceed at pace in the New Year. He hoped all could work together to achieve the best outcome for the community.

The Ward Member for Bockhanger said he would very much like to commend the Group's survey to the Cabinet. It had been conducted on a very professional basis and had huge buy-in from the community. 28 volunteers had distributed 2500 leaflets and the response level currently stood at 232. A near 10% response rate represented a good level. He considered the results shed a lot of light on the priorities of the residents and what could be included as part of the community facility/hall, so he supported Mr Dean's request to give some time to examine the results in more detail. In terms of funding, he agreed that a range of funding should be considered. HRA funding did come with some 'hoops to jump through' in terms of Secretary of State permission and had certain requirements which may restrict what could be delivered for the residents. He saw no reason not to consider other sources of funding to sit alongside HRA funding in a mix and match approach including perhaps approaching local commercial companies who may be prepared to sponsor some element of the main hall. Perhaps thinking could be more entrepreneurial and "outside the box".

The Portfolio Holder for Housing agreed that there needed to be some further discussion to work out exactly what was required rather than imposing something on the community that was only wanted by one group or another. In his view it was likely that Affordable Housing would be the way to generate the capital for the main facility and ongoing income and he was wary of any solution that was put out to volunteers as this was too reliant on individuals.

The Leader thanked everyone for their comments so far and thought there was a common goal to create a worthwhile and versatile facility for Bybrook and Bockhanger that all could be proud of. He noted the results of the Group's survey and accepted that the response to the second survey had been disappointing, but they had not mentioned that the first survey had received a 13% response. He also understood there had been a lot of negative comment on social media which had been unhelpful and clouded the issue somewhat. With the Community Council in the area, and the Residents' Group, there was a need to work together, particularly with the elected body.

In response to comments about social media, the Ward Member said that the residents were deeply unhappy about the last survey. When it came out people were disappointed as they did not believe it asked them directly what they wanted on that site and there was insufficient space under each of the five questions asked to write the answers in, so he did not think it was unreasonable to argue in an analytical way about a particular piece of work if it was not up to a certain standard. He personally did not feel it was, nor did a huge number of residents, so he felt that was one the Council needed to 'take on the chin' and let residents have their say. The Leader said he understood that, but it was also important to point that whilst social media was often a good tool, it did also have a dark side and people had to be circumspect when making comments on it.

The Leader urged the Cabinet to support the recommendations in the report which he considered did not deflect or detract from the overall objective. There would be

plenty of time for further consideration and current designs for the hall were only iterative, but this would allow the project to proceed to the next stage and for momentum not to be lost. If extra funding became available that would be welcomed, but there were a number of competing pressures and the Council had to be careful when dealing with public money. It was important to continue this journey and work together in a harmonious way and he hoped residents would take tonight's decision positively.

Resolved:

- That**
- (i) the feedback from the consultation event and subsequent mail out be noted.**
 - (ii) further work be undertaken into the viability of an affordable housing-led scheme, which provides a flexible community hub within it.**
 - (iii) the options for delivery of the scheme are developed and agreed in principle with Kennington Community Council.**
 - (iv) any community facilities developed will be delivered only after Kennington Community Council sign a formal undertaking to lease the space provided and take responsibility for its management and coordination of services delivered, following a viability assessment.**
 - (v) the lease includes conditions restricting sub-letting without formal consent**
 - (vi) the final design, to be developed in conjunction with Kennington Community Council, be shared with the local community at a further consultation event before being brought back to the Cabinet for endorsement.**

221 Street Naming and Numbering – Land West of Viaduct Terrace, Warehorne Road, Warehorne

The report advised that the Street Naming and Numbering Policy required that any request for naming a new road after a person, deceased or living, should be agreed by the Cabinet. The name proposed for the development had been considered to be relevant to the site.

Resolved:

That the use of the name Mathews Court, as set out in paragraph 4 of the report, be approved

222 Vehicle Speeds and Vision Zero

The Portfolio Holder introduced the report which presented information on road safety and proposed a Council policy on vehicle speed limits. It gave a commitment to support the introduction of lower speed limits where appropriate and took the opportunity to give support to KCC's Vision Zero Road Safety Strategy. Reference was also made to the recent changes to the Highway Code and specifically the new hierarchy of road users. It was accepted that such projects may need a small amount of monetary support and accordingly the Portfolio Holder proposed that a fund of up to £10k be made available from the Improvement Delivery Fund, to assist with supporting approved schemes (subject to a maximum of £2.5k per scheme). This would receive oversight from the Regeneration, Improvement and Infrastructure Co-ordination Board.

Resolved:

- That**
- (i) proposals from Town, Community and Parish Councils to introduce lower speed limits in urban areas and villages where there is an identified demand for safer and vulnerable road users, be supported.**
 - (ii) the introduction of 30mph speed limits through all our villages that meet the relevant Department for Transport and Kent Highways criteria, be supported.**
 - (iii) the introduction of lower 20mph speed limits on the approach to certain rural villages wherever appropriate and where it meets the necessary road safety criteria, be supported.**
 - (iv) the introduction of 20mph speed limits on the approaches to, or in the vicinity of, schools wherever appropriate and where the circumstances meet the necessary road safety criteria, be supported.**
 - (v) the introduction of 20mph speed limits in areas where people and motorists meet or are in close proximity, e.g. the Ashford Shared Space arrangement, be supported.**
 - (vi) the KCC Vision Zero Road Safety Strategy be supported.**
 - (vii) the Council work with partner organisations to publicise the changes in the Highway Code and promote the new enhanced duty of care that road users owe to more vulnerable road users.**
 - (viii) £10,000 be made available from the Improvement Delivery Fund to assist supporting approved schemes (subject to a maximum of £2.5k per scheme). This to receive oversight from the Regeneration, Improvement and Infrastructure Co-ordination Board.**

223 Ashford Festival and Events Framework

The Portfolio Holder for Regeneration and Corporate Property introduced the report on behalf of himself and the Portfolio Holder for Culture, Tourism and Leisure. The framework included an overview of Ashford's current offer with a delivery plan that linked to the Corporate Plan 2022-24 and the benefits that festivals and events could bring. The framework included proposals for two key seasonal events for the Council to commit to, and the development of two new seed events each year.

He also gave an update on the Carnival of the Baubles event that had taken place the previous weekend. This had been a great event and increased footfall in the Town Centre significantly (approximately 30% up on the same Saturday in 2019). Positive reports had been received from Town Centre businesses and the voluntary/cultural sector and members of the public.

A Member said she fully supported the framework and hoped it would fully embrace the diverse multi-cultural communities within the Borough.

Resolved:

That the Framework be adopted and the key opportunities to help deliver the Council's Corporate Plan be noted.

Recommended:

That a two year financial commitment of £350,000 be agreed to help build a new events programme for Ashford. First year's costs of £175k be agreed from the Improvement Delivery Fund (Reserves); and the second year budget be allocated from the same reserve, subject to an evaluation of the outcomes of the first years events by the Deputy Chief Executive, in consultation with appropriate Portfolio Holder and subject to budget setting for 2023/24.

224 Levelling Up Fund - Ashford International Studios, Newtown Works

The Leader introduced the report which followed from the announcement of the Council's successful Levelling Up Funding bid for £14,773,745 for the Ashford International Studios development. The report sought Members approval to take on the role of accountable body for this funding and put in place grant agreements with Government and the developer to ensure this funding could be secured.

The Economic Development Manager advised that they had attended their first inception meeting with the team from Department for Levelling Up, Housing and Communities (DLUHC) earlier that week and it had been very positive and they looked forward to more meetings as they moved forward.

Resolved:

- That**
- (i) the Council act as the Accountable Body for the Levelling Up Funding Grants, through a grant agreement with Government and a subsequent grant agreement with the Newtown Works site developer.**
 - (ii) the Chief Executive be authorised, in consultation with the Executive Leader of the Council, the Deputy Chief Executive and the Solicitor to the Council and Monitoring Officer, to negotiate and agree the grant agreements with Government and the Newtown Works site developer, following appropriate due diligence.**
 - (iii) once funding agreements are in place, the Chief Executive be authorised, in consultation with the Executive Leader of the Council, the Deputy Chief Executive and the Solicitor to the Council and Monitoring Officer, to agree expenditure in line with the grant conditions as set out in the financial table and wording in paragraph 8 of the report.**
 - (iv) the allocation of £40,000 of funding from reserves be agreed to undertake the legal agreements and fund monitoring for this project.**

225 Greater Ashford Borough Environment and Land Mapping Commission – Notes of 12th October and 9th November 2021

Resolved:

That the Notes of the Meetings of the Great Ashford Borough Environment and Land Management Commission held on the 12th October and 9th November 2021 be received and noted.

226 Trading and Enterprise Board – 23rd November 2021

Resolved:

- That**
- (i) the new, more inclusive, definition of ‘commercialisation’ as outlined in the report be endorsed.**
 - (ii) it be agreed that the Commercialisation Strategy requires a transition from what has become the testing phase, to one of greater integration within corporate culture (moving to a combined Digital and Commercialisation Board).**

- (iii) **KPIs reporting on commercialisation needs to be reviewed to better reflect the breadth of the definition and explicitly explore different types of efficiency savings.**

227 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.

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Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **27th January 2022**.

Present:

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

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

Apologies:

Cllr. Bell, Chief Executive, Deputy Chief Executive.

Also Present:

Cllrs. Burgess, Harman, Sparks, C Suddards, Wright.

In attendance:

Solicitor to the Council and Monitoring Officer, Head of Finance and IT, Economic Development Manager, Community Safety and Wellbeing Manager, Parking, Highways and Transportation Team Leader, Communications Officer, Member Services Manager.

246 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 16th December 2021 be approved and confirmed as a correct record.

247 Leader's Announcements

The Leader said that he had two matters he wanted to share with colleagues this evening.

Firstly, he wanted to advise that on the new play area and outdoor gym at Hunter Avenue, South Willesborough was now underway. The Council had used the results from a consultation with residents when the previous park was taken down in February 2020 to put together a new design specification. The new play area, costing some £180,000, would include a fenced area for younger children to play, with a Disability compliant roundabout and a high backed swing chair. Children would also be able to enjoy a 25m long zip wire, a larger junior multi-play unit,

double width mound slide, swinging area and mini football goals for informal kick about. New seating and picnic tables would be installed to provide a communal space, accessible for all, to enjoy the outdoors. Additionally there would be a brand new outdoor gym area to improve free access to health and wellbeing activities for the local community. Once the new play area was installed, Aspire Landscape Management would block out areas for meadow grass to grow, to encourage and improve biodiversity in the area. Hunter Avenue, combined with the Council's recent, Cabinet approved, announcement of £1.1 million investment in another three key play areas, meant that thousands more residents would have access to high-quality, outside recreation. These installations would contribute to fitness and wellbeing and provide space for communities to mingle and friends and family to spend quality time together.

In addition he advised that earlier that day, Holocaust Memorial Day, he was pleased to have been at The Green, at Woodchurch to assist the Mayor and Ashford's MP the Rt. Hon. Damian Green, to plant one of the 80 native oak trees being planted in Great Britain, to honour the people and places that symbolise the contribution made to British life by refugees who escaped from Nazi Europe. In 1939, Great Engeham Farm in Woodchurch established a camp for housing Jewish refugee Kindertransport children. Combined productive agriculture training was coupled with education there, and some 300 to 350 children aged from 13 to 16 passed through the camp before being moved to Devon in November 1939. The dedication service had been both dignified and very poignant.

248 Automatic Number Plate Recognition Installation

The Portfolio Holder introduced the report which sought the introduction of an Automatic Number Plate Recognition and barrier system at Park Mall Car Park, operating on a pilot basis as a wholly cashless car park. Subject to the pilot being successful, it was proposed to also implement within Edinburgh Road Car Park.

In response to questions about disabled users and blue badge holders, it was explained that ANPR was an easier method as drivers did not have to search the car park for terminals and it provided a hands-free entry and exit. People could register on-line or pay using the RingGo App. Blue badge holders did have to register their details once a year, but this was seen as a necessary measure to prevent fraud, and Parking Customer Care would be more than happy to assist anyone having problems.

Resolved:

- That (i) **the installation of an Automatic Number Plate Recognition (ANPR) and barrier system within the Park Mall Car Park be approved and it be operated on a pilot basis as a cashless car park.**
- (ii) **expenditure of up to £53,000 be approved from the previously agreed capital budget to deliver the ANPR solution within the Park Mall Car Park.**

- (iii) authority be delegated to the Head of Community Safety and Wellbeing, in consultation with their Portfolio Holder, to effect and complete all necessary steps for the implementation of ANPR at Park Mall Car Park.**
- (iv) further update reports be received as necessary prior to potentially introducing a similar system and payment arrangements within Edinburgh Road Car Park.**

249 Parking Charges for Edinburgh Road Car Park and Park Mall Car Park

The Portfolio Holder introduced the report with sought agreement on new parking charges for Edinburgh Road and Park Mall Car Parks. A reduction in the basic parking charges had been proposed to promote use of the car parks and thus support the vitality of the Town Centre. A revision to the minimum parking period was also recommended. The charges included absorbing the 'Pay-by-Phone' convenience fee into the basic parking charge, rather than there being an additional cost for using that service.

Resolved:

- That**
- (i) reduced parking charges be approved for both Edinburgh Road and Park Mall Car Parks, incorporating the 'Pay-by-Phone' convenience fee that will be absorbed by Ashford Borough Council.**
 - (ii) a minimum parking period of one hour at Edinburgh Road and Park Mall Car Parks be approved.**
 - (iii) the Head of Community Safety and Wellbeing, in consultation with their Portfolio Holder, be authorised to implement changes to the proposals contained within the report, including amendments to the Off Street Parking Places Order, undertaking the statutory public notices, consultation and dealing with any responses.**

250 Extension of Electric Vehicle Charger Provision

The report sought approval for the installation of Electric Vehicle Charging Points and to approve the release of funds to install in locations that were ineligible for funding through the Office for Low Emission Vehicles (OLEV) scheme. This would utilise the Council's Climate Change Reserve Fund.

In response to a question the Parking, Highways and Transportation Team Leader advised that this formed Phase 2 of the Council's overall strategy. Phase 1 would utilise OLEV funding and confirmation of this funding was expected the following week.

A Member said he fully supported the proposals but wanted to ensure that there was enough capacity on the network and that UK Power Networks were encouraged to keep the infrastructure up with those ambitions.

Resolved:

- That (i) **the release of £164,000 from the Climate Change Reserve Fund be approved to install 15 Electric Vehicle Charging Points.**
- (ii) **authority be delegated to the Head of Community Safety and Wellbeing, in consultation with their Portfolio Holder, to effect and complete all necessary steps to install in total 44 charging points as listed in the report.**
- (iii) **the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**

251 Health and Safety Policy for Ashford Borough Council

The Portfolio Holder for HR and Customer Services introduced the report which sought agreement of the revised Health and Safety Policy, which was due for review. The Policy had been revised and updated to provide additional clarity relevant to Officer responsibilities and to further strengthen governance of health and safety within the Council. The revised policy also streamlined arrangements to enable the organisation to respond quickly to anticipate changes to legislation. He thanked Officers for their work in pulling the revised policy together.

Resolved:

- That (i) **the revised Health and Safety Policy be agreed.**
- (ii) **the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**

252 Revenues and Benefits Recommended Write-Offs Schedule

The Portfolio Holder introduced the report which proposed the formal write-off of £321,056.74, The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy. The Deputy Chief Executive (Section 151 Officer) had been consulted along with Heads of Service for relevant areas. The Portfolio Holder wanted to stress how thoroughly the team pursued debts owed to the Council and he was satisfied that the proposals in the report were correct and pragmatic.

Resolved:

- That (i) the action that accounts totalling £40,060.70 had been written off under delegated powers (Financial Regulations 11.1) be noted.
- (ii) the write-offs listed in the Exempt Appendices totalling £280,996.04 be approved.

253 Greater Ashford Borough Environment and Land Mapping Commission – Notes of 7th December 2021

Resolved:

That the Notes of the Meeting of the Great Ashford Borough Environment and Land Management Commission held on the 7th December 2021 be received and noted.

254 Joint Transportation Board – 14th December 2021

Resolved:

That the Minutes of the Meeting of the Joint Transportation Board held on the 14th December 2021 be received and noted.

255 Civic and Ceremonial Programme Board – 22nd December 2021

Resolved:

That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 22nd December 2021 be received and noted.

256 Local Plan and Planning Policy Task Group – 2nd December 2021

Resolved:

That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 2nd December 2021 be received and noted.

257 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.

258 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, 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.

259 Newtown Works

The Leader and Portfolio Holder introduced the exempt report. The Leader clarified that the recommendations were for Full Council to resolve.

Recommended:

- That**
- (i) subject to negotiation and the completion of appropriate due diligence, the purchase of shares within the Development Company, for up to a figure as stated in the confidential report, be agreed.**
 - (ii) it be agreed in principle that a Loan Facility be made available to the Development Company for the construction of residential property in line with existing planning permission, for the figure stated in the confidential report. This is subject to the completion of the due diligence process.**
 - (iii) responsibility for finalising the deal and sign-off be delegated to the Chief Executive, in consultation with the Executive Leader, subject to satisfactory oversight of a Due Diligence Working Group which will include the Chair of Overview and Scrutiny and the Portfolio Holders for Finance and IT and Regeneration and Corporate Property.**
 - (iv) the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**

260 Regeneration, Infrastructure and Improvement Co-Ordination Board – 17th December 2021

Resolved:

That the Notes of the Meeting of the Regeneration, Infrastructure and Improvement Co-Ordination Board held on the 17th December 2021 be received and noted.

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Ashford Borough Council: Audit Committee

Minutes of a Meeting of the Audit Committee held in Committee Room 2, Civic Centre, Tannery Lane, Ashford on the **1st February 2022**.

Present:

Cllr. Krause (Chairman);
Cllr. Buchanan (Vice-Chairman);

Cllrs. Hayward (from item 262), Shorter, Smith, C. Suddards (from item 262), Walder.

Also in Attendance (virtually):

Deputy Chief Executive, Accountancy Manager, Accounts Officer, Interim Head of Audit Partnership, Interim Deputy Head of Audit Partnership, Audit Manager, Development Partnership Manager.

Audit Manager – Grant Thornton UK

In attendance:

Solicitor to the Council and Monitoring Officer, Principal Litigator, Senior Member Services Officer.

261 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 5th October 2021 be approved and confirmed as a correct record.

262 Invitation to Become an Opted-In Authority – Public Sector Audit Appointments (PSAA)

Prior to the start of the item, the Chairman advised that a report from Grant Thornton was originally due to be presented to the November meeting, and subsequently this meeting. He proposed, with the consent of the Committee to write to Grant Thornton to express the Committees disappointment at the delay, by almost a quarter, of the publication of the report.

The Accountancy Manager advised that due to resourcing issues Grant Thornton had been unable to complete the work substantially to give an option prior to this meeting. Officers accepted this however did make it clear to Grant Thornton that they expected something to be presented to the March meeting of this Committee. To put the matter into context, only 9% of Local Authority Audits hit the statutory deadline for 2021, therefore this was a sector wide issue. The PSAA would need to ensure that processes and timeframes were put in place to ensure those targets were achieved. Retention in the sector was a major issue. The delays also hindered the work of the Accounts Team, as well as the work of the Audit Committee.

The Audit Manager – Grant Thornton UK advised that he fully understood and shared the frustration of the Committee and Officers. They were struggling with resources and a high turnover of staff had had an impact on their ability to deliver. Coupled with the natural desire to ensure that a quality audit was produced this meant that audits were taking longer. He did not want the Committee to be left with the impression that Grant Thornton were sitting on their laurels, they were actively trying to resolve their recruitment issues. They were constantly “out to market”, however the market in this Country was quite weak and the demand for experienced public sector auditors was so high and the salaries being offered by some employers in the sector, such as the National Audit Office, were very attractive and therefore the audit market had been distorted. Engagement with Grant Thornton’s overseas firms had seen a deployment of staff from the Philippines and India to boost the local staff resource which had helped, however they were behind. Overall, they were ahead of the audit market, but that did not detract from the fact that delivery was low. The Audit Manager – Grant Thornton UK extended his apologies on behalf of Grant Thornton for the current position.

The Chairman thanked the Audit Manager – Grant Thornton UK for explaining the situation. He felt that it was important to raise this issue with the senior management at Grant Thornton so they were aware of the Committees discontent with their service.

The Accounts Officer introduced the item - Invitation to Become an Opted-In Authority – Public Sector Audit Appointments (PSAA). He advised that the PSAA tendered and procured contracts between Local Authorities and audit firms whilst also acting as a regulator to confirm that any fee variations raised by external auditors were fair, appropriate and in line with regulations. The Council previously appointed PSAA in 2016 and the Council now needed to decide whether it wanted to become an Opted-In Authority for the next five year appointing period (2023/24 to 2027/28). It was recommended that the Audit Committee proposed to Council that the Council gives its intention to the PSAA before 11 March 2022. Taking such a decision, would save time, resources and money for the Council. Should the Council not there would be a need to set up an Independent Auditor Panel and manage the contract for its duration whereas Opting-In would ensure that PSAA undertook all of that work.

The Portfolio Holder for Finance & IT endorsed the report to the Committee. He drew attention to paragraph 20 of the report and the shortcomings of the historical system which the PSAA implemented over the past four years. He wanted to ensure that the lessons learned from the previous delivery were taken forward into the commissioning of the next round. It was important that those winning contracts were appropriately resourced to deliver going forward. His comments within the report also reflected that concern.

The Chairman proposed that the letter that would be sent to Grant Thornton, also be copied to PSAA to ensure they were aware of the disappointing performance of their appointed auditor.

A Member questioned whether the Council had the ability to select the appointed auditor from a list. The Accountancy Manager advised that PSAA would procure a

range of approved auditors through their tendering process and then allocate an auditor to the Council for the appointing period.

There was some discussion regarding the work that would be required should the Council decide not to Opt-In. The PSAA route was the appropriate route for this Council and would ensure that the procurement process was carried out appropriately and the resource capability should be competent, capable and able to deliver.

Resolved

That the Audit Committee

Recommends

- i. to Council that the Authority gives its intention to become an opted-in authority to the Public Sector Audit Appointments for the 5 year appointing period commencing 2023/24.**

That the Audit Committee

Resolves

- i. to write to Grant Thornton UK to express their dissatisfaction at the delays to audits over the period 2021/22, and;**
- ii. to send a copy of the letter to Grant Thornton to the PSAA, as the appointing body.**

263 Homes England – Compliance Audit Annual Report 2021/22 for Ashford Borough Council

The Development Partnership Manager introduced the item, the Councils Housing Revenue Account (HRA) had a strong and ambitious affordable homes delivery programme and to ensure that the Councils schemes were viable and there was a robust HRA business plan they regularly applied for Homes England Grants. This was traditionally around £30,000 per unit but could be as high as £60,000 per unit if social rent was delivered as part of the scheme. When grants were awarded there was a possibility of “spot checks” by Homes England on the delivery of such schemes and how the Council was spending and handling the grant that had been awarded. There was a period of no spot checks, but recently they were selected for the grant awarded for the independent living scheme at East Stour Court, an independent living scheme for older persons, containing 29 homes that opened in October 2021. An independent auditor was appointed to undertake the work which was then ratified by Homes England. For this report Homes England awarded a “green” grade with no breaches of funding conditions or recommendations for improvement. This was the fourth compliance audit since 2014, and in each case the Council had been awarded a “green” grade. This was important and was pivotal to the Councils success as a trusted deliverer of affordable housing. It also set the tone and set the Council in good stead for the funding of future schemes. There was just one point to

note, previously the Chair of the Audit Committee had been asked to sign off the paperwork, but there was no requirement for this at the current time.

A Member congratulated the Officers on their hard work and questioned how the Council compared to other Local Authorities? The Development Partnership Manager advised that he did not have that data readily available however he would speak to Homes England and feedback to the Committee.

Post Meeting Note: Homes England advised that they were unable to share Compliance Audit outcomes of other Local Authorities as these were confidential. Homes England thanked Ashford Borough Council for their hard work in ensuring that the scheme selected for audit was fully compliant in meeting their funding conditions and Capital Funding Guide requirements.

The Committee wished it to be put on record their thanks and gratitude to Officers for a successful audit.

Resolved

That the report be received and noted.

264 Legal Services Instruction and Administrative Processes – Internal Audit Report

The Interim Deputy Head of Audit Partnership introduced the item. In September 2021 the final report of the Legal Services Instruction and Administrative Processes Audit was published. It was important to note the scope of the review was on the instruction and administration process and how the cases were managed. No opinion had been given on the quality of the legal advice as that was outside the scope of the audit. Throughout the audit a number of controls were identified that were not operating effectively and therefore a weak assurance rating was given. A number of remedial actions were identified and agreed with the Service in order to address those weaknesses. The Service engaged really well during the process and had been committed to redressing the weakness identified. The Committee had a copy of the full report advising of the actions that had been agreed by the Service and those actions already fallen due had been completed. There were a further three actions that had been delivered early.

The Solicitor to the Council and Monitoring Officer wished to provide assurance that that the agreed remedial steps were in hand and on track. He drew attention to the background factors during the audit, there were a number of senior vacancies within the service and fully remote working was in place. These led to some inconsistencies in administration during this period. During that period the professional standards were not compromised, the risks were identified but projects and legal transactions were carried out as they should be. The Council was a leader in introducing new legal procedures for democratic meetings during the lockdown periods and were, and still are, trailblazers in the litigation field in getting injunctions and prosecuting fly-tipping in numbers that were not seen in Local Authorities. The legal income target had also been exceeded during this period, legal income was a requirement that Legal Services had to bring in from external parties, from planning agreements and court cases that were won where costs were awarded. Good

progress had been made on the recruitment front and two senior solicitors had been appointed since the report was published, a senior property lawyer and a senior regulatory lawyer. The regulatory lawyer worked with the Principal Litigator and had freed up some time for her to act as Practice Manager and work on the action plan to implement the audit recommendations. The Solicitor to the Council and the Monitoring Officer and the entire Legal Services Team welcomed the recommendations in the audit. A detailed, internal action plan had been produced to implement the audit recommendations and to ensure that each and every one of those recommendations was implemented on time. There were 10 recommendations, 16 actions in total and he was pleased to advise that 8 of the 16 actions had already been implemented. The action plan broke down the themes of the recommendations as follows:

Theme 1 -- improve corporate processes:

- to better engage legal services
- to improve the PID process
- improve the committee report process

These recommendations had been implemented and were in place.

Theme 2 - improve client engagement

- utilising the smarthub
- using abavus to create a suite of forms to better inform and instruct work from legal services

These recommendations had been implemented and were in place.

Theme 3 - security of case management system

These recommendations had been partly implemented and were in place, with only one outstanding action to be completed

Theme 4 – improve client care procedures

- capture key processes
- receipt of instruction
- risk assessment
- case monitoring

These would be captured in a procedure manual by the spring.

Theme 5 – investment in the service

- upgrading the case management system

This recommendation would be completed by the spring.

The Solicitor to the Council and the Monitoring Officer advised that they were on track and he handed over to the Principal Litigator to demonstrate some of the work they had undertaken to date.

The Principal Litigator, using screen sharing technology, gave the Committee an overview of the work undertaken to date on meeting the audit recommendations. As part of this demonstration, she showed the Committee the Legal Services introduction page on the Smarthub, along with the suite of forms that had been produced. She selected several forms to demonstrate the process to the Committee and also demonstrated the back office procedures once these were submitted. The forms had been produced in conjunction with the Council's Digital Officer and the Principal Litigator wished to put on her record her thanks for all of his help and guidance during a lengthy process.

The Chairman thanked Officers for such a detailed update. This report had been due to be presented to the November meeting of the Committee, which was cancelled due to a surge in Coronavirus cases in the area. He, along with the Portfolio Holder for Finance and IT, had met with the Solicitor to the Council and Monitoring Officer and Principal Litigator in December to ensure that the matters raised in the audit were being taken seriously. He was pleased to report that the Legal Services Team had done a lot of work to implement the recommendations of the audit and he thanked Officers for that work.

A Member questioned whether the resources required for the service were now in place, or whether there was still an issue surrounding this. Further, would a lack of resources lead to future weaknesses within the service? The Solicitor to the Council and the Monitoring Officer advised that at the time of the audit the resource gap was significant, however as he mentioned in his introduction they have since appointed two senior lawyers and still had 1.6 FTE vacant posts, however there was a temporary resource in place. Those vacant posts were being advertised and he was hopeful that he would be able to report even better news on the vacancy front in the near future. The Solicitor to the Council and the Monitoring Officer was of the opinion that any future resourcing issues would not lead to such weaknesses, procedures were now in place for remote working and new procedures, as seen by the Committee that evening, were being implemented.

The Principal Litigator further advised that another positive of the audit was the upgrade of their case management system. There had not been the opportunity for this for several years due to budget limitations. The improvements to IKEN, along with remote working and the digitalisation were all positive steps.

The Chairman wished it to be noted that none of the issues raised in the audit impacted on the legal ability of the Council. The issues related solely to the administrative process of the service. The solicitors to the Council did a magnificent job.

In response to questions from the Committee, the Principal Litigator advised that there would be customer satisfaction surveys undertaken following the completion of work. In respect of the online forms, which had been in use for the past two weeks, the feedback had been positive. She had contacted each Officer who had completed a form to request feedback and she was happy to report that feedback to

date had been positive. The Solicitor to the Council and Monitoring Officer further advised that during the development stage of the forms, they had been presented to a group of senior managers, who had made comments and some amendments had been made as a result of this feedback.

The Committee wished it to be placed on record their thanks and gratitude to the Principal Litigator and Digital Officer for instigating, developing and producing the online forms. The new forms would benefit all Officers and ensure that the correct legal advice was given.

Members of the Committee acknowledged that when seeking advice from the Legal Services Team they did not follow any specific protocol and contacted the relevant Officer. It was questioned whether they should complete forms to request legal advice. The Solicitor to the Council and Monitoring Officer advised that these forms were directed to professional service clients, but he recognised the point raised and would take it away and give it due consideration.

A Member questioned why it had seemingly taken a “weak” audit assurance for the budget to be made available to upgrade and provide the resources needed for the service. The Deputy Chief Executive advised that there had been no increase in the budget for operational purposes for Legal Services. However, the Council had looked at how core business systems were funded and these required upgrading or improving. Budgets were not permanently allocated to each service as that budget would not be required year on year, it was about identifying the need. There was an allocation of reserves put aside for IT and Digital Transformation that was being used for this upgrade. He assured the Committee that it was not the result of the weak audit that the budget was available, it was down to service need.

In response to a question from a Member, the Interim Deputy Head of Audit Partnership advised that as part of the annual audit planning risk assessment they would look at the last time they audited a service, the results of that audit but they would also factor in the services response to the audit and how effective they were at implementing the recommendations. The quarterly assessment would keep a check on the audit and the annual report, which would be presented to the Committee in the summer would advise on those matters.

A Member questioned what training had been given to Officers on the use of the forms and what contingencies were in place should the online system fail. Would the submitted forms and other work be able to be recovered? The Solicitor to the Council and Monitoring Officer advised that they had attended CMT, a group of approx. 50 senior managers, and had presented the forms to them. There had been some education and familiarisation processes, however nothing compared to using the forms and he was pleased to report quite a few had been received and were well completed. The Principal Litigator advised that the Smarthub and forms were backed up on the central servers, therefore all forms and attachments could be recovered.

Resolved

That the report be received and noted.

265 Annual Report of the Audit Committee

The Interim Head of Audit Partnership introduced the item. He advised he had been in position for just over a month and he had been impressed with Mid Kent Audit (MKA) so far. The report was being presented slightly later than usual due to the timing of the Committee meetings. He drew attention to the “interim audit opinion” which had recently been introduced and would ensure that the Committee was aware of progress to date and the main control framework. The plan was slightly behind due to resourcing matters within MKA, which had been reported to the Committee previously. They were confident of delivery, subject to any factors outside of their control. MKA had settled into remote working and the audits were progressing. The Chairman of the Committee and Deputy Chief Executive would be advised should anything significant become apparent. Some reviews required priority and therefore would be given that. Within the MKA team there had been some turnover, however there would be no impact on the service provided to Ashford Borough Council. There would be some changes that will be bought in for the start of the new financial year, which would be ready for the new Head of MKA when they were appointed.

The Chairman thanked the Interim Head of Audit Partnership and the Interim Deputy Head of Audit Partnership for both stepping into their respective roles and noted that the recruitment process was underway with the Head of Audit Partnership position to be filled in due course.

Resolved

That the report be received and noted.

266 Report Tracker and Future Meetings

The Deputy Chief Executive advised that there would be an additional item to be added to the agenda for the March 2022 meeting - the Section 106 Audit. That meeting had the potential to be quite lengthy due to the number and detail of those reports to be presented.

A Member questioned when an update on Port Health would be provided to the Committee. The Deputy Chief Executive advised that they had met with DEFRA to discuss the risk and were working together to develop a solution. Assurances had been given and a guarantee was being worked upon.

Selection and Constitutional Review Committee

Minutes of a Meeting of the Selection and Constitutional Review Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th February 2022**.

Present:

Cllr. Clarkson (Chairman);

Cllrs. Clokie, Feacey, Forest, Harman, Hayward, Meaden, Ovenden, C Suddards.

In accordance with Procedure Rule 1.2 (c) Councillors Forest and C Suddards attended as Substitute Members for Councillors Bartlett and Farrell.

Apologies:

Cllrs. Barrett, Bartlett, Chilton, Farrell, Howard-Smith.

Also Present:

Solicitor to the Council and Monitoring Officer, Member Services Manager.

282 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 7th October 2021 be approved and confirmed as a correct record.

283 Background and Principles of Political Balance and Administrative Structure and Changes to Committee Membership

The Member Services Manager introduced the report which presented the Political Balance for the Authority for the remainder of the 2021/22 Municipal Year and other constitutional matters that needed to be recommended to the Meeting of the Full Council on the 3rd March 2022. There was a change to the Balance following the result of the by-election for the Highfield Ward in which Councillor Dawnie Nilsson (Green Party) was elected. The Balance calculations contained in the Appendix to the report had been agreed by Group Leaders.

The Member Services Manager directed attention to the Addendum Paper which detailed some updates to Committee Membership that had been received from Group Leaders since the publication of the original report. Group Leaders also verbally updated on a couple of further changes and the Member Services Manager clarified that the final agreed membership would be detailed in the Minutes of this Meeting.

The Leader drew attention to the Appointments Committee, which was responsible for the appointment of Chief Officers. This would become extremely important in the coming months as the Council looked to implementing the Council's new senior structure.

Recommended:

- That (i) **the Political Balance of the Authority at Appendix A to these Minutes be adopted, subject to the Council agreeing that the requirements of the Political Balance Regulations be not applied to the Membership of the Joint Transportation Board, Appeals Panel, Standards Committee and the Sub Committees of the Licensing and Regulatory Committees established under the Licensing Act 2003 and the Gambling Act 2005.**
- (ii) **the following Committees be constituted for the Municipal Year as detailed in Part 3 of the Constitution:**
- Appeals**
 - Appointments**
 - Audit**
 - Investigation and Disciplinary**
 - Joint Arrangements – Joint Transportation Board**
 - Licensing**
 - Overview and Scrutiny**
 - Planning**
 - Regulatory**
 - Selection and Constitutional Review**
 - Standards**
- (iii) **the remaining seat on the Planning Committee be allocated to Councillor Walder.**
- (iv) **the remaining seats on the Licensing and Regulatory Committees be allocated to Councillor Michael.**
- (v) **the changes in Committee membership for the remainder of 2021/22 as notified by Group Leaders, at Appendix B to these Minutes, be noted.**
- (vi) **the Local Plan and Planning Policy Task Group be increased in size from 10 to 11 Members to ensure that all Groups continue to be represented.**
- (vii) **the membership of Cabinet Boards, Advisory Committees and Task Groups for the remainder of 2021/22, at Appendix C to the Minutes, be noted.**

284 Ashford Port Health Delegations

The report of the Solicitor to the Council and Monitoring Officer sought to formally delegate the necessary powers to the Head of Port Health so that the Council could

exercise the functions required to provide a Port Health Service at the Sevington Inland Border Facility.

The Leader said that the facility at Sevington would be one of the biggest of the 20 new facilities being created in the UK and also one of the busiest. They had been successful in securing all of the funding requested from the Government and this report was the next step towards delivering this service. He asked if a provision could be added making it clear that the Head of Port Health would bring to the attention of the Leader and Cabinet or Council (as appropriate), any significant matters arising regarding the powers and duties of the Port Health Authority (exception reporting). This was agreed by the Committee.

Recommended:

That subject to the addition above, Full Council approve the delegated powers set out in the Annex to the report, in so far as the powers relate to non-executive functions.

Queries concerning these Minutes? Please contact Member Services:
Telephone: 01233 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: <https://ashford.moderngov.co.uk>

THE POLITICAL BALANCE CALCULATION
MARCH 2022

A.1 All Committees to which balance applies

	Committee	Seats/Committee		Total Seats
1 x 12	Overview and Scrutiny	12	=	12
1 x 14	Planning	14	=	14
1 x 13	Licensing	13	=	13
1 X 13	Regulatory	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 5	Appointments	5	=	5
			Total	<u>77</u>

B. Percentage of group in relation to total membership of the authority

47 members =		%
24 Conservative	=	51.06382979
11 Ashford Independent	=	23.40425533
6 Labour	=	12.76595746
4 Green	=	8.510638298

Note:

1 Independent		2.127659575
1 Independent		2.127659575

100

C.1 Allocation of Seats on Committees in proportion to Group strength

<i>Committee</i>	Con	AI	Lab	Green	To Be Allocated	Total
1 x 12 O&S	6	3	2	1	0	12
1 x 14 Planning	7	3	2	1	1*	14
1 x 12 Selection	6	3	2	1	0	12
1 x 13 Licensing	7	3	1*	1	1*	13
1 x 13 Regulatory	7	3	1*	1	1*	13
1 x 8 Audit	3*	2	1	2*	1	8
1 x 5 Appointments	3	1	1	0	0	5
Totals	39* (39.319)	18 (18.021)	10* (9.830)	7 (6.533)	3*	77

* Under the draft calculation the Labour Group had been allocated 12 seats when their overall entitlement across all Committees was 10. All other Groups had received their overall entitlement to seats. There was therefore a need for the Labour Group to gift two of their allocated seats to Independent Members. The Labour Group have offered their seats on the Licensing Committee and Regulatory Committee.

Under the draft calculation the Green Group had been allocated six seats when their overall entitlement across all Committees was seven. The Conservative Group had been allocated 40 seats when their overall entitlement was 39. There was therefore a need for the Conservative Group to gift one of their allocated seats to the Green Group. The Conservative Group have offered one of their seats on the Audit Committee.

There is one seat to be allocated on the Planning Committee. All other Groups have received their overall entitlement to seats so it is proposed to offer this seat to an Independent Member.

C.2 Allocation of seats on all ordinary Committees to achieve overall proportionality

Political Group entitlement in relation to all seats: 77

Conservative	39.319	=	39
Ashford Independent	18.021	=	18
Labour	9.830	=	10
Green	6.533	=	7

Total	74
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1 Independent	=	2
1 Independent	=	1

Total 77

D. Committees to which balance will not apply either as a direct result of joint arrangements or the Council agreeing, i.e. no member votes against this arrangement, on each occasion the Council adopts a revised political balance for the Authority.

*1 x 15	Appeals	3 Members per meeting drawn on rota from a panel of 15 Members	=	3
* 1 x 7	Joint Transportation Board		=	7
*1 x 3	Licensing (3 Member Panels)		=	3
*1 x 3	Regulatory (3 Member Panels)		=	3

* Council's choice as to whether balance will apply to this Committee. **This may only happen if no member votes against this arrangement.**

x Due to the Joint Arrangements and the manner in which seats are allocated by the Kent County Council, it is impossible to have a balanced allocation of seats.

Committee	Con	AI	Lab	Green	
*1 x 15 Appeals	8	4	2	1	15
x1 x 7 Joint Transportation	4	2	1	0	7
**1 x 8 Standards	4	2	1	1	8

* **That the requirements of the 'Political Balance' regulations be not applied to the membership of the Appeals and the Licensing and Regulatory Panels of 3 Members which are drawn for each meeting.**

** **Standards – broadly politically balanced as membership is based on posts.**

APPENDIX B

MEMBERSHIP OF COMMITTEES AND BOARDS INCLUDING CHAIRMEN AND VICE-CHAIRMEN

On the basis of the draft Political Balance Calculation agreed with Group Leaders the entitlement to seats is set out below.

The Committee may wish to confirm the proposed identities of the Chairmen and Vice-Chairmen of each Committee, for appointment in accordance with the Constitution, by the Full Council.

Overview and Scrutiny Committee (12 Members)

Members of the Cabinet may not be appointed to this Committee

Conservative (6)	Ashford Independent (3)	Labour (2)	Green (1)
Blanford	Hayward	Chilton (VCh)	Meaden
Brooks	Ledger	Farrell	
Burgess	Ovenden (Ch)		
Howard-Smith			
Krause			
Mulholland			

Audit Committee (8 Members)

Conservative (3)	Ashford Independent (2)	Labour (1)	Green (2)
Buchanan (VCh)	Hayward	Spain	Campkin
Krause (Ch)	Smith		Wright
Shorter			

Planning Committee (14 Members) (plus 1 ex-officio)

Training is compulsory for anyone sitting on the Planning Committee.

Conservative (7)	Ashford Independent (3)	Labour (2)	Green (1)	Independent (1*)
Blanford (VCh)	Harman	Chilton	Meaden	Walder
Burgess (Ch)	Ovenden	L Suddards		
Howard	Sparks			
Howard-Smith				
Iliffe				
Mulholland				
Shorter				
Bell (EO)				

*Seat allocated to Independent Member as all other Groups had received their allocation across all Committees as part of the Political Balance calculation.

Selection & Constitutional Review Committee (12 Members)

Conservative (6)	Ashford Independent (3)	Labour (2)	Green (1)
Barrett	Harman	Chilton	Meaden
Bartlett (VCh)	Hayward	Farrell	
Clarkson (Ch)	Ovenden		
Clokie			
Feacey			
Howard-Smith			

Licensing Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

Training is compulsory for anyone sitting on the Licensing Committee.

Conservative (7)	Ashford Independent (3)	Labour (1)	Green (1)	Independent (1*)
Buchanan	Ledger	L Suddards	Wright	Michael
Burgess	Rogers			
Feacey	Smith			
Krause (VCh)				
Pickering				
Shorter				
Webb (Ch)				

*Seat allocated to Independent Member as all other Groups had received their allocation across all Committees as part of the Political Balance calculation.

Regulatory Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

Training is compulsory for anyone sitting on the Regulatory Committee.

Conservative (7)	Ashford Independent (3)	Labour (1)	Green (1)	Independent (1*)
Buchanan	Ledger	L Suddards	Wright	Michael
Burgess	Rogers			
Feacey	Smith			
Krause (VCh)				
Pickering				
Shorter				
Webb (Ch)				

*Seat allocated to Independent Member as all other Groups had received their allocation across all Committees as part of the Political Balance calculation.

Appointments Committee (5 Members)

Conservative (3)	Ashford Independent (1)	Labour (1)	Green (0)
Feacey	Ovenden	Chilton	
Clarkson (Ch)			
Pickering (VCh)			

Appeals Committee (15 Members – 3 Members to be drawn per meeting)

Members should not be a Member of the Cabinet. Group Leaders are reminded of the importance of nominating Members who are available to attend day-time meetings.

Conservative (8)	Ashford Independent (4)	Labour (2)	Green (1)
Blanford	T Heyes	Anckorn	Campkin
Burgess	Ledger	L Suddards	
B Heyes	Sparks		
Howard	Turner		
Krause			
Link			
Mulholland			
Wedgbury			

Investigation & Disciplinary Committee (15 Members – 3 Members to be drawn per meeting)

To include at least one Member of the Cabinet, Group Leaders and the Chairmen of the Overview & Scrutiny and Audit Committees.

Conservative (8)	Ashford Independent (4)	Labour (2)	Green (1)
Bartlett	Cornish	Anckorn	Campkin
Barrett	Ovenden	Chilton	
Mrs Bell	Sparks		
Bell	Turner		
Blanford			
Clarkson			
Feacey			
Krause			

Standards Committee (8 Members)

Broadly Politically Balanced. Should include at least one Member of the Cabinet plus the Chairman and Vice-Chairman of the Overview & Scrutiny Committee.

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (1)
Mrs Bell (Ch)	Ovenden	Chilton	Meaden
Knowles	Turner		
Pickering			
Shorter (VCh)			

Joint Transportation Board (7 Members)

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (0)
Burgess	Cornish	C Suddards	
Feacey	T Heyes		
B Heyes (Ch)			
Krause			

Community Grants Panel (7 Members including the Portfolio Holder for Culture)

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (0)
Barrett	Pauley	L Suddards	
Forest	Smith		
Knowles (VCh)			
Webb (Ch)			

Joint Consultative Committee (6 Members) – At least one Member from each Group – the remainder from the administration.

Membership is to include the Leader and/or appropriate Portfolio Holder.

Conservative (3)	Ashford Independent (1)	Labour (1)	Green (1)
Mrs Bell	Smith	L Suddards	Wright
Mulholland			
Pickering (Ch)			

Member Training Panel (8 Members)

Conservative (4)	Ashford Independent (2)	Labour (1)	Green (1)
Mrs Bell (VCh)	Pauley	Spain	Wright
Blanford	Smith		
Howard			
Pickering (Ch)			

Local Government and Polling Districts Task Group (10 Members)

Conservative (5)	Ashford Independent (2)	Labour (1)	Green (1)	Independent (1)
Bell (Ch)	Rogers	Anckorn	Meaden	Michael
Blanford	Sparks			
B Heyes				
Knowles (VCh)				
Wedgbury				

Local Plan & Planning Policy Task Group (11 Members)

Conservative (6)	Ashford Independent (3)	Labour (1)	Green (1)
Bartlett (Ch)	Harman	Spain	Wright
Bell (VCh)	Ledger		
Mrs Bell	Sparks		
Blanford			
Clokie			
B Heyes			

Trading and Enterprise Board (4 Members and 1 Observer)

Conservative (4)
Bell (Ch)
Feacey
Pickering
Shorter

* Councillor Ovenden to be appointed as Observer.

** Councillor Bell (as Chairman) to be the Shareholder Representative under the Articles of Association of the Trading Companies.

MEMBERSHIP OF CABINET BOARDS, ADVISORY COMMITTEES AND TASK GROUPS FOR 2021/22

The following are set out for information only.

Boards

Ashford Strategic Delivery Board (4 Members)

Conservative
(4)
Bell
Clarkson (Ch)
Clokie
Shorter

Regeneration, Infrastructure and Improvement Co-Ordination Board (8 Members)

Conservative	Ashford Independent	Labour	Green
(6)	(1)	(1)	(0)
Clarkson (Ch)	Ovenden	Spain	
Feacey			
Forest			
Iliffe (VCh)			
Shorter			
Webb			

Economic Regeneration & Investment Board (6 Members)

Conservative (5)	Ashford Independent (1*)	Labour (0*)	Green (0*)
Bartlett (VCh)	Ovenden		
Bell			
Clarkson (Ch)			
Iliffe			
Shorter			

*One seat allocated to the Leader of the largest Opposition Group

Compliance & Enforcement Board (6 Members) (plus 1 ex-officio)

Conservative (5)	Ashford Independent (0)	Labour (1)	Green (0*)
Barrett		Spain	
Bell (Ch)			
Buchanan			
Feacey (VCh)			
Shorter			
Clarkson (EO)			

Civic and Ceremonial Programme Board (6 Members) (plus the Mayor as ex-officio)

Conservative (4)	Ashford Independent (1)	Labour (1)	Green (0)
Burgess	Ovenden	L Suddards	
Clarkson (Ch)			
Forest (VCh)			
Webb			
Mayor (EO)			

Advisory Committees

Climate Change Advisory Committee (7 Members)

Conservative (4)	Ashford Independent (1)	Labour (1)	Green (1)
Barrett (Ch)	Ledger	Anckorn	Campkin
Blanford			
Feacey (VCh)			
Mulholland			

IT and Digital Transformation Advisory Committee (5 Members)

Conservative (4)	Ashford Independent (1)	Labour (0)	Green (0)
Bell (VCh)	Ovenden		
Forest (Ch)			
Krause			
Pickering			

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24th January 2022**.

Present:

Cllr. Mrs Bell (Chairman);

Cllrs. Chilton, Forest, Knowles, Ovenden, Pickering, Turner.

Apologies:

Mrs C Vant – Independent Person, Mr R Brasier – Parish Council Representative.

Also Present:

Solicitor to the Council and Monitoring Officer, Deputy Monitoring Officer, Member Services Manager.

243 Declarations of Interest

Councillor	Interest	Minute No.
Pickering	Made a 'Voluntary Announcement' as he was the Portfolio Holder for Human Resources and Customer Services which dealt with many of the complaints received by the Council.	245

244 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 25th January 2021 be approved and confirmed as a correct record.

245 Annual Report of the Council's Monitoring Officer 2021

The Monitoring Officer introduced his Annual Report for the calendar year 2021, which would be presented to the Council on the 3rd March 2022. The report assessed activity in probity and related governance matters, in particular in relation to formal complaints about alleged breaches of protocols and codes of conduct by Borough and Parish Councillors. The report also provided an opportunity to review the effectiveness of current procedures. These related to the calendar year 2021.

In addition, the report included data on Ombudsman complaints as these were also handled by the Monitoring Officer and his staff. The relevant period for these related

to the most recent data provided by the Ombudsman, namely 1st April 2020 to 31st March 2021.

With regard to Code of Conduct Complaints, there had been a noticeable increase in the volume of informal complain activity during this period and requests for advice had grown significantly at Parish Council level. There had also been a considerable increase in the number of formal complaints received from 3 in 2020 to 23 in 2021. All had been at Parish Council level and spread across a small number of Councils and to date only one of the complaints had merited even partial formal investigation. It was therefore not necessarily justified to draw adverse conclusions about Parish governance. The registered formal complaints were detailed at Table 1 on Page 8 of the report.

The Monitoring Officer advised that despite the fact that none of the complaints had justified further action, they did still require a considerable amount of work and 'pre-investigation'. The handling of these complaints had largely been undertaken by an external specialist lawyer, in view of staff vacancies and other pressing priorities within Legal Services. This had been undertaken within the current Legal Services budget, using vacancy savings. Whilst this had allowed much of the work to be undertaken within reasonable timescales, the current volume of complaint work was unsustainable in the longer term. The volume of complaints in 2021 exceeded by a very large margin those received in any other single year since 2012. Since all of the formal complaints had emanated from Parish Council level, he had included a recommendation to work with the Kent Association of Local Councils to identify measures and opportunities to minimise the incidence of formal complaints. This may include more robust use of the existing threshold criteria to identify unmeritorious complaints at an earlier stage.

In terms of governance issues, the Kent Monitoring Officers Group continued to meet to consider the LGA's new Model Code of Conduct and "Guidance". A further report would be presented to this Committee once that work was complete.

In relation to Ombudsman Complaints, the report advised that there had been 18 received by the Local Government Ombudsman (LGO) a similar number to 17 in the previous year. Pleasingly none had been upheld (an decrease from three in the previous year).

The Standards Committee Independent Person had been unable to attend the meeting but had submitted a short statement on the report which was read out by the Member Services Manager. She said that there were some 41 Local Councils in the Borough, and the formal complaints listed in the report had emanated from only four of those. She therefore agreed with the Monitoring Officer that this considerable increase in the number of formal complaints should not be seen as a generalised problem across the Borough, but rather the result of the failure within a few Parish Councils to form effective, professional relationships. She thought that individuals too readily looked for justification to submit formal complaints to Ashford Borough Council and similar multiple complaints were submitted by some individuals. In her view this could result in ill-founded, tit-for-tat complaints that used valuable Council resources needlessly.

The Annual Report was then opened up to the Committee and the following responses were given to questions/comments: -

- The Monitoring Officer did not have any comparative data for complaints received at other Local Authorities, but anecdotally the increase experienced at Ashford this year was significantly higher than elsewhere.
- Proposed changes to the Model Code of Conduct were unlikely to change people's attitudes to making such complaints too much. The current Kent Model Code had served its purpose reasonably well, the issues were more around the arrangements, jurisdiction criteria and the robustness of any sanctions. Members agreed that the lack of 'teeth' to any sanctions was key point as there did not appear to be anything in the current Code of Conduct to deter bad behaviour. The Committee for Standards in Public Life had recommended changes to this affect some three years ago, but the Government was yet to respond to those recommendations and any increase in sanctions would require primary legislation.
- There wasn't really a legal basis on which to refuse to consider the majority of the complaints received and cite case law for frivolous or vexatious complaints. There were some criteria in the existing arrangements to deal with genuinely vexatious, trivial or tit-for-tat complaints, but there did still need to be some examination of a complaint to reach that conclusion. Indeed most complaints did initially appear to have some merit and met the initial criteria so it was difficult to simply dismiss them. There was also no legal basis to charge for the costs of considering complaints.
- If someone was found to be in breach of the Code of Conduct this was publicised by way of publically available decision notices.
- As discussed last year, it would be possible to include some indicative costs incurred by the Borough Council in dealing with Code of Conduct complaints in future reports to aid transparency.
- Training in Code of Conduct issues was already offered to Parish Councils at the start of each four-year Council term. It was agreed that this should be targeted at Proper Officers (Clerks etc.) and the Member Training Panel would explore options further.
- A Member said that in his view numbers had been inflated this year, not just because of problems at two or three particular Parishes, but also because of the lockdowns and the culture around virtual meetings. If this level continued into future years it may be necessary to consider more drastic changes, but for now it was one to keep a watching brief on.

Resolved:

That (i) the Annual Report of the Monitoring Officer for 2021 be received, noted and forwarded to Full Council for approval.

- (ii) the Monitoring Officer report to future meeting(s) of the Standards Committee in relation to the new LGA Model Code of Conduct.**
- (iii) the Monitoring Officer contact the Kent Association of Local Councils with a view to discussing and agreeing measures to reduce the incidence and cost of formal complaints at Parish Council level.**
- (iv) the Member Training Panel examine possibilities for further Code of Conduct training for Parish Councils (particularly aimed at Proper Officers).**
- (v) future Annual Reports from the Monitoring Officer include data on indicative time and costs incurred by the Borough Council in dealing with Code of Conduct complaints.**

**Standards Committee
24 JANUARY 2022**

**Council
3 MARCH 2022**

**Annual Report of the Council's
Monitoring Officer – 2021**

A. Introduction

1. The principal purpose of my Annual Report is to assess activity in probity and related governance matters, in particular in relation to formal complaints about alleged breaches of protocols and codes of conduct by borough and parish councillors. The report also provides an opportunity to review the effectiveness of current procedures. This report deals with the calendar year 2021 in relation to these matters.
2. The Council's current code of conduct for councillors was adopted on 20 July 2012 and has since been the subject of a number of amendments. This code is based on Localism Act principles and was developed as a collaborative project by Kent Monitoring Officers in consultation with task groups of councillors within individual councils. The vast majority of district and parish councils in Kent have adopted this "Kent Model Code of Conduct".
3. When it adopted the Code of Conduct in 2012, the Council also adopted new procedural "Arrangements" for handling code of conduct complaints. Again this was developed on a Kent-wide basis with the objective of simplifying procedures and removing unnecessary bureaucracy which had beset the previous standards regime.
4. The Council has also adopted a "Good Practice Protocol for Councillors Dealing with Planning Matters". This sets out detailed best practice rules for this specialist and sensitive area of the Council's work which go beyond the general rules set out in the code of conduct. The Protocol was substantially revised and updated in October 2015 to reflect changes in the law and government guidance. The first formal complaint of breach of the Protocol was dealt with in 2017.
5. My Annual Report also includes data on Ombudsman complaints as these are also handled by or on behalf of the Monitoring Officer. The Standards Committee monitors any issues of probity raised in Ombudsman investigations. In terms of Ombudsman complaints the relevant period relates to the most recent data provided by the Ombudsman namely that for the period 1st April 2020 to 31 March 2021.

B. Code of Conduct Complaints 2021

6. Formal complaint activity in Ashford has been relatively low since adoption of the new code of conduct in 2012. For example, during 2016 no new formal complaints were submitted, whilst in previous years the few complaints made,

mainly at Parish Council level, had been resolved informally. No complaints had been taken to formal investigation and hearing up to the end of 2016. However the period since 2017 has been more challenging. Since early 2020, various temporary national and local “lockdowns” have been in place with most staff working remotely and councillor meetings taking place “virtually” up to May 2021. However this has not resulted in a reduction of formal or informal complaint activity. On the contrary the volume of informal complaint activity and requests for advice has grown significantly at parish council level. Several formal complaints were made in 2020 although a number fell away due to a failure to provide information or the fact that the complaint failed to meet legal or local assessment criteria eg. related to private conduct. In the end only three formal complaints proceeded.

7. The formal complaints received and registered in 2021 are set out in Table 1 below. This includes two cases decided in 2021 albeit submitted in late 2020.
8. It can be seen that not only has the number of formal complaints grown very considerably, but to date only one of the complaints merited even partial formal investigation. So it is not necessarily justified to draw adverse conclusions about parish governance just because a large number of complaints has been made against it.
9. The handling of these complaints has been largely undertaken by an external specialist lawyer in view of staff vacancies and other pressing work priorities in legal services. This has been undertaken within the current legal services budget, using vacancy savings. Whilst this has allowed much of the work to be undertaken within reasonable timescales, the current volume of complaint work is unsustainable in the longer term. The volume of complaints in 2021 exceeds by a very large margin those received in any other single year since 2012. Since all of the formal complaints have emanated from parish council level, I am including a recommendation at the end of this report that I work with KALC to identify measures and opportunities to minimise the incidence of formal complaints. This may include a more robust use of the existing threshold criteria to identify unmeritorious complaints earlier.

Table 1
Formal Code of Conduct Complaints Made

No	Ashford BC -Complaint Reference	Council	Background (Allegation)	Action taken
1	ABC/20/008	Kennington Community Council	Disadvantage members of the council/ misuse of council resources/ disclosure of confidential information	No further action.

2	ABC/20/008	Kennington Community Council	Misuse of council resources/ confidential information/failure to declare an interest.	No further action
3	ABC/20/011	Egerton Parish Council	Bullying/ failure to show leadership	No further action recommendation for mediation.
4	ABC/20/011	Egerton Parish Council	Bullying	No further action recommendation for mediation.
5.	ABC/20/011	Egerton Parish Council	Bullying	No further action recommendation for mediation
6.	ABC/20/011	Egerton Parish Council	Bullying	No further action recommendation for mediation
7	ABC/20/009	Newenden Parish Council	Use of position to gain advantage/ conduct could bring office into disrepute.	No further action
8	ABC/20/012	Kennington Community Council	Failing to act with respect/ bullying & intimidation/ failure to use council resources in accordance with requirements	Complaint 1B only has been referred for investigation
9	ABC/20/012	Kennington Community Council	Use of foul or abusive language/malicious disrespect and unfounded accusation against Clerk	No further action
10	ABC/20/012	Kennington Community Council	Disrespect and accusation against the Clerk.	No further action.
11	ABC/21/01A	Egerton Parish Council	Failure to disclose interest.	No further action
12	ABC/21/01B	Egerton Parish Council	Failure to disclose interest	No further action.
13	ABC/21/01/C	Egerton Parish Council	Failure to disclose interest.	No further action.
14	ABC/21/01/D	Egerton Parish Council	Failure to disclose interest.	No further action.

15	ABC/21/01E	Egerton Parish Council	Failure to disclose interest.	No further action
16	ABC/21/02A	Chilham Parish Council	Prevention of access to information permitted by law/ conduct bringing office into disrepute.	No further action.
17	ABC/21/02B	Chilham Parish Council	Compromise the integrity or impartiality of those in office/ must not conduct themselves in a manner which would bring councillor's office or Authority into disrepute.	Final decision to be issued.
18	ABC/21/04	Kennington Community Council	Behave in a manner which is respectful/ bullying and intimidation.	No further action.
19	ABC/21/05	Egerton Parish Council	Behave in a manner which does not bring the office or authority into disrepute/ bullying.	No further action
20	ABC/21/06	Egerton Parish Council	Failed to declare interest.	Final decision to be issued.
21	ABC/21/07A Dated 19.10.21	Egerton PC	Disclosure of information given in confidence.	Final decision to be issued.
22	ABC/21/07B Dated 19.10.21	Egerton PC	Disclosure of information given in confidence.	Final decision to be issued.
23	ABC/21/07C Dated 19.10.21	Egerton PC	Disclosure of information given in confidence	Final decision to be issued.

C. Other Relevant Governance Developments in 2020

10. The new Social Media Guidance Note for Councillors was adopted in May 2019. In addition a revised Councillor/Officer Working Relationship protocol was adopted clarifying standards of expected behaviours. Some training in relation to these protocols was provided following the elections in 2019 and I am pleased to say that noticeably fewer complaints (formal and informal) have related to social media usage since 2019.
11. In my last annual report I included an update on the review work of the national Committee on Standards in Public Life (CSPL). The CSPL had made 15 “Best Practice” Recommendations in relation to the local government ethical standards system, some of which required legislation to implement. An update has been provided to the CSPL by all local authorities.
12. One of the CSPL’s formal recommendations in 2019 was that the Local Government Association should prepare an optional new Model Code of Conduct for Councillors in order to encourage greater consistency and higher standards. Following extensive consultation the LGA has now published a new Model Code of Conduct and some new “Guidance”. This is now being given detailed consideration by the Kent Monitoring Officers Group and a further report to this Committee will be presented when that work is complete.

D. Ombudsman Complaints 2019/20

13. Since April 2013, complaints about social housing have been dealt with by the Housing Ombudsman (HO) and not the Local Government Ombudsman (LGO).
14. For Members’ information the analysis of the complaints resolved by the LGO in 2020/21 are attached (Appendix A). The LGO’s Annual Letter and Report are also included in Appendix A.
15. The number of complaints received by the Ombudsman in 2020/21 (18) was similar to 2019/20 (17) but it is pleasing that the number of complaints upheld in 20/21 was nil, as opposed to three in the previous year. Details are provided in the Table below.
16. A new column was added to the Table of Ombudsman Complaints with effect from 19/20 giving information on action taken/lessons learned where relevant. This is consistent with the approach advocated in the Ombudsman’s annual review letter in 2020 and also with the most recent annual letter which highlights the importance of using complaints to drive improvements.

E. Recommendations

1. That the Annual Report of the Monitoring Officer for 2021 be received and noted.

2. That the Monitoring Officer report to future meeting(s) of the Standards Committee in relation to the new LGA Model Code of Conduct.
3. That the Monitoring Officer contact the Kent Association of Local Councils with a view to discussing and agreeing measures to reduce the incidence and cost of formal complaints at parish council level.

T W MORTIMER

Director of Law and Governance & Monitoring Officer

January 2022

Appendix A – Analysis of Ombudsman Complaints

The Ombudsman investigates complaints about Council services to remedy personal injustice caused by maladministration (“fault”) or service failure.

Between 1st April 2020 and 31st March 2021 the Local Government Ombudsman (LGO) made decisions on 18 complaints as follows:

Incomplete or invalid complaint	3
Referred back for local resolution	<u>5</u>
	8

Closed after initial enquiries	8
Investigated, but not upheld	<u>2</u>
	10

Attached is a table providing details on the 10 complaints about which the LGO contacted the Council, and outcome of these complaints. Only 2 complaints were fully investigated by the LGO and these were not upheld.

I have also attached the Ombudsman’s Annual Review letter 2020/2021.

When the LGO has issued a report on a completed investigation, these are generally published in the Complaints Outcomes section of the LGO website www.lgo.org.uk. The published information does not name the complainant or any individual involved with the complaint. Each Council’s annual data is uploaded onto an interactive map, along with a copy of the Annual Review letter. Information can be found on decisions made about complaints against the Council, public reports issued by the LGO and the service improvements the Council has agreed to make as a result of LGO investigations (if any).

This year, the LGO has focused on the outcomes of complaints and what can be learned from them, and statistics are concentrated on three key areas: complaints upheld; compliance with recommendations; satisfactory remedy provided by the authority. In this year, 0% of complaints made against the Council and investigated by the LGO were upheld. No recommendations were due for compliance and the

Council was not required to provide any remedies. Key annual statistics for the Council are also provided as a comparison with similar types of authorities.

To allow authorities to respond to the Covid-19 pandemic, the Ombudsman did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints received and decided by the Ombudsman in the 2020-21 year. This should be considered when comparing data from previous years.

Reference	ABC Dept	Complaint details	Decision	LGO comment	Action taken by the Council/lessons learned
19019831	Planning	Complained about the Council's planning actions and Local Plan	Closed after initial enquiries – out of jurisdiction.	N/A	
19020822	Planning	Complained that a Planning Officer misled the Planning Committee	Closed after initial enquiries – no further action.	N/A	
20000841	Legal & Democracy	Complained that there were procedural faults in how the Council considered a planning application for development near her home. She said some elected Members of the Planning Committee voted along party lines and an absent Member was replaced by an inappropriate substitute	Closed after initial enquiries – no further action.	N/A	
20001177	Planning	Complained about how the Council consulted about a large development next to her home.	Closed after initial enquiries – no further action.	N/A	

Reference	ABC Dept	Complaint details	Decision	LGO comment	Action taken by the Council/lessons learned
20002531	Planning	Complained that the Council failed to consider the impact on his privacy when it approved a planning application for a site next to his home	Closed after initial enquiries – out of jurisdiction	N/A	
20005898	Planning	Complained about how the Council dealt with an application for a development near his home. He said the application was not properly publicised and the Council did not consider the impact the new building would have on the area.	Closed after initial enquiries – no further action.	N/A	
20005562	Planning	Complained about the Council's handling of a reported breach of planning control at her property. She also complained about the Council's handling of her planning application to regularise the breach and about the way it dealt with her complaint.	Closed after initial enquiries – no further action.	N/A	
20002542	Planning	Complained about the Council's decision to approve a planning	Not Upheld – no further action	N/A	

Reference	ABC Dept	Complaint details	Decision	LGO comment	Action taken by the Council/lessons learned
		application for a holiday home on land next to his home			
20007838	Housing	Complained the Council's lettings policy unfairly favoured Council tenants over housing association tenants wanting to move home and the Council should have rehoused him sooner.	Not Upheld – no maladministration	N/A	
20012040	Planning	Complained that the Council decided not to do any public consultation on the third set of permitted plans for the development next to his property	Closed after initial enquiries – no further action.	N/A	

HOUSING OMBUDSMAN

The Housing Ombudsman does not provide Councils with an annual report on complaints made to its service.

The table below outlines the complaints made to the Housing Ombudsman and investigated during 2020/21, and the outcomes and lessons learned by the Council (where required).

Reference	ABC Dept	Complaint details	Decision	LGO comment	Action taken by the Council/lessons learned
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201908089	Housing	Complained about the way the Council handled ASB complaints and rent accounts	No maladministration found	Recommendations made by HO to improve service	Recommendations implemented by Housing Service
201908089 Appeal against determination	Housing	Appeal for review of Housing Ombudsman decision that no maladministration found in the way the Council handled ASB complaint and rent account.	No maladministration found by review.		

21 July 2021

By email

Mrs Kerly
Chief Executive
Ashford Borough Council

Dear Mrs Kerly

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

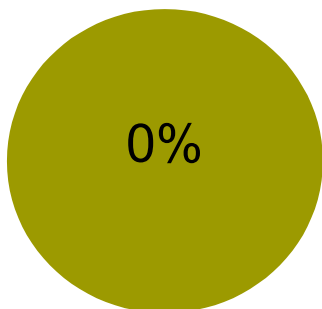
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



0% of complaints we investigated were upheld.

This compares to an average of 53% in similar authorities.

0 upheld decisions

Statistics are based on a total of 2 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the authority

The Ombudsman did not uphold any detailed investigations during this period

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.



Agenda Item No:

Report To: Council

Date of Meeting: 3rd March 2022

Report Title: Programme of Meetings 2022/23 and 2023/24

Report Author & Job Title: Danny Sheppard – Member Services Manager

Portfolio Holder Cllr. Clarkson
Portfolio Holder for: Leader of the Council

Summary:	To agree the programme of meetings for 2022/23 and 2023/24
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Key Decision: NO

Significantly Affected Wards: None specifically

Recommendations: **The Council is asked to agree the programme of meetings for 2022/23 and 2023/24**

Policy Overview: The programme reflects the monthly Cabinet and Overview and Scrutiny cycle as agreed by the Council at its meeting on the 17th October 2019 (Minute No 191/10/19 refers). This generally provides for a Cabinet meeting on the last Thursday of every month and a monthly Planning Committee meeting every four/five weeks. Overview and Scrutiny meetings are programmed in line with the timetable for call-in of items from the Cabinet and will generally fall on the second Tuesday of the month.

Equalities Impact Assessment Not Required

Exempt from Publication: NO

Contact: danny.sheppard@ashford.gov.uk – Tel: (01233) 330349

DATES OF MEETINGS MAY 2022 - MAY 2023

Meetings are usually held at the Civic Centre and start at 7.00pm unless otherwise stated

MAY 2022

M 2 **BANK HOLIDAY**
 Tu 3 Selection & CR
 W 4
 Th 5
 F 6

M 9
 Tu 10 O&S
 W 11
 Th 12 JCC 2.30pm
 F 13

M 16
 Tu 17
 W 18 Planning
 Th 19 Council
 F 20

M 23
 Tu 24 TEB 10am
 W 25
 Th 26 Cabinet
 F 27

M 30
 T 31

JUNE 2022

W 1
 Th 2 **BANK HOLIDAY**
 F 3 **BANK HOLIDAY**

M 6
 Tu 7 Joint Transportation
 W 8
 Th 9
 F 10

M 13
 Tu 14 O&S
 W 15 Planning
 Th 16
 F 17

M 20
 T 21 Audit 5pm
 W 22
 Th 23
 F 24

M 27
 Tu 28
 W 29
 Th 30 Cabinet

JULY 2023

F 1
 M 4
 Tu 5
 W 6
 Th 7
 F 8
 M 11

Tu 12 O&S
 W 13 Planning
 Th 14 JCC 2.30pm
 F 15

M 18
 Tu 19
 W 20
 Th 21 Council
 F 22

M 25
 T 26
 W 27
 Th 28 Cabinet
 F 29

AUGUST 2022

M 1
 Tu 2
 W 3
 Th 4
 F 5

M 8
 Tu 9 O&S
 W 10
 Th 11
 F 12

M 15
 Tu 16
 W 17 Planning
 Th 18
 F 19

M 22
 Tu 23 TEB 10am
 W 24
 Th 25 Cabinet
 F 26

M 29 **BANK HOLIDAY**
 Tu 30
 W 31

SEPTEMBER 2022

Th 1
 F 2

M 5
 Tu 6 Joint Transportation
 W 7
 Th 8 JCC 2.30pm
 F 9

M 12
 Tu 13 O&S
 W 14 Planning
 Th 15
 F 16

M 19
 Tu 20
 W 21
 Th 22
 F 23

M 26
 Tu 27
 W 28
 Th 29 Cabinet
 F 30

OCTOBER 2022

M 3
 Tu 4 Audit 5pm
 W 5
 Th 6
 F 7

M 10
 Tu 11 O&S
 W 12 Planning
 Th 13
 F 14

M 17
 Tu 18
 W 19
 Th 20 Council
 F 21

M 24
 Tu 25
 W 26
 Th 27 Cabinet
 F 28

M 31

NOVEMBER 2022

Tu 1
 W 2
 Th 3
 F 4

M 7
 Tu 8 O&S
 W 9 Planning
 Th 10 JCC 2.30pm
 F 11

M 14
 Tu 15
 W 16
 Th 17
 F 18

M 21
 Tu 22 TEB 10am
 W 23
 Th 24 Cabinet
 F 25

M 28
 Tu 29 Audit 5pm
 W 30

DECEMBER 2022

Th 1
 F 2
 M 5
 Tu 6 Joint Transportation
 W 7 Planning
 Th 8 Council
 F 9
 M 12
 Tu 13 O&S
 W 14
 Th 15 Cabinet
 F 16
 M 19
 Tu 20
 W 21
 Th 22
 F 23
 M 26 **BANK HOLIDAY**
 Tu 27 **BANK HOLIDAY**
 W 28 **OFFICES CLOSED**
 Th 29
 F 30

JANUARY 2023

M 2 **BANK HOLIDAY**
 Tu 3
 W 4
 Th 5
 F 6
 M 9
 Tu 10
 W 11
 Th 12 JCC 2.30pm
 F 13
 M 16
 Tu 17 Licensing/Regulatory
 10am/10.30am
 Planning
 W 18
 Th 19
 F 20
 M 23
 Tu 24
 W 25
 Th 26 Cabinet
 F 27
 M 30
 Tu 31 Standards

* No O&S meeting in January due to Budget Scrutiny

FEBRUARY 2023

W 1
 Th 2
 F 3
 M 6
 Tu 7
 W 8

Th 9
 F 10
 M 13
 Tu 14 O&S
 W 15 Planning
 Th 16
 F 17
 M 20
 Tu 21 TEB 10am
 W 22
 Th 23 Cabinet
 F 24
 M 27
 T 28

MARCH 2023

W 1
 Th 2 Council (C Tax)
 F 3
 M 6
 Tu 7 Joint Transportation
 W 8
 Th 9 JCC 2.30pm
 F 10

M 13
 Tu 14 O&S
 W 15 Planning
 Th 16
 F 17

M 20
 Tu 21 Audit 5pm
 W 22
 Th 23
 F 24

M 27
 Tu 28
 W 29
 Th 30 Cabinet
 F 31

APRIL 2023

M 3
 Tu 4
 W 5
 Th 6
 F 7 **GOOD FRIDAY**
 M 10 **EASTER MONDAY**
 Tu 11 O&S
 W 12
 Th 13
 F 14

M 17
 Tu 18
 W 19 Planning
 Th 20 Council
 F 22

M 24
 Tu 25
 W 26
 Th 27 Cabinet

F 28

MAY 2023

M 1 **BANK HOLIDAY**
 Tu 2
 W 3
 Th 4 **ABC ELECTIONS**
 F 5


M 8
 Tu 9
 W 10
 Th 11
 F 12

M 15
 Tu 16
 W 17
 Th 18 Selection & CR
 F 19

M 22
 Tu 23
 W 24
 Th 25 Council
 F 26

M 29 **BANK HOLIDAY**
 Tu 30
 W 31

KEY	
O&S	- Overview and Scrutiny
JCC	- Joint Consultative Committee

 School Holidays

DATES OF MEETINGS MAY 2023 - MAY 2024

Meetings are usually held at the Civic Centre and start at 7.00pm unless otherwise stated

MAY 2023

M 1 **BANK HOLIDAY**
 Tu 2
 W 3
 Th 4 **ABC ELECTIONS**
 F 5

 M 8
 Tu 9
 W 10
 Th 11
 F 12

 M 15
 Tu 16
 W 17 Selection & CR
 Th 18
 F 19

W 12
 Th 13 JCC 2.30pm
 F 14

 M 17
 Tu 18
 W 19
 Th 20 Council
 F 21

 M 24
 T 25
 W 26
 Th 27 Cabinet
 F 28

 M 31

M 25
 Tu 26
 W 27
 Th 28 Cabinet
 F 29

OCTOBER 2023

M 2
 Tu 3 Audit 5pm
 W 4 Planning
 Th 5
 F 6

 M 9
 Tu 10 O&S
 W 11
 Th 12
 F 13

AUGUST 2023

M 22
 Tu 23
 W 24
 Th 25 Council
 F 26

 M 29 **BANK HOLIDAY**
 T 30
 W 31

Tu 1
 W 2
 Th 3
 F 4

 M 7
 Tu 8 O&S
 W 9 Planning
 Th 10
 F 11

M 16
 Tu 17
 W 18
 Th 19 Council
 F 20

JUNE 2023

Th 1
 F 2

 M 5
 Tu 6 Joint Transportation
 W 7 Planning
 Th 8
 F 9

M 14
 Tu 15
 W 16
 Th 17
 F 18

M 23
 Tu 24
 W 25
 Th 26 Cabinet
 F 27

M 30
 Tu 31

NOVEMBER 2023

W 1
 Th 2
 F 3

 M 6
 Tu 7
 W 8 Planning
 Th 9 JCC 2.30pm
 F 10

M 21
 Tu 22
 W 23
 Th 24
 F 25

M 28 **BANK HOLIDAY**
 Tu 29 TEB 10am
 W 30
 Th 31 Cabinet

SEPTEMBER 2023

M 12
 Tu 13 O&S
 W 14
 Th 15
 F 16

 M 19
 T 20 Audit 5pm
 W 21
 Th 22
 F 23

 M 26
 Tu 27
 W 28
 Th 29 Cabinet
 F 30

F 1

M 4
 Tu 5 Joint Transportation
 W 6 Planning
 Th 7
 F 8

M 13
 Tu 14 O&S
 W 15
 Th 16
 F 17

M 20
 Tu 21
 W 22
 Th 23
 F 24

JULY 2023

M 3
 Tu 4
 W 5 Planning
 Th 6
 F 7

 M 10
 Tu 11 O&S

M 11
 Tu 12 O&S
 W 13
 Th 14 JCC 2.30pm
 F 15

M 18
 Tu 19
 W 20
 Th 21
 F 22

M 27
 Tu 28 TEB 10am
 W 29
 Th 30 Cabinet

DECEMBER 2023

F 1
 M 4
 Tu 5 Joint Transportation
 W 6
 Th 7
 F 8
 M 11
 Tu 12 O&S
 W 13 Planning
 Th 14 Council
 F 15
 M 18
 Tu 19 Audit 5pm
 W 20
 Th 21 Cabinet
 F 22
 M 25 **CHRISTMAS DAY**
 Tu 26 **BOXING DAY**
 W 27 OFFICES CLOSED
 Th 28
 F 29

JANUARY 2024

M 1 **NEW YEAR'S DAY**
 Tu 2
 W 3
 Th 4
 F 5
 M 8
 Tu 9
 W 10
 Th 11 JCC 2.30pm
 F 12
 M 15
 Tu 16 Licensing/Regulatory
 10am/10.30am
 W 17 Planning
 Th 18
 F 19
 M 22
 Tu 23
 W 24
 Th 25 Cabinet
 F 26
 M 29
 Tu 30 Standards
 W 31

* No O&S meeting in January due to Budget Scrutiny

FEBRUARY 2024

Th 1
 F 2
 M 5
 Tu 6
 W 7
 Th 8

F 9
 M 12
 Tu 13 O&S
 W 14 Planning
 Th 15
 F 16
 M 19
 Tu 20
 W 21
 Th 22
 F 23
 M 26
 Tu 27 TEB 10am
 W 28
 Th 29 Cabinet

MARCH 2024

F 1
 M 4
 Tu 5 Joint Transportation
 W 6
 Th 7 Council (C Tax)
 F 8
 M 11
 Tu 12 O&S
 W 13 Planning
 Th 14 JCC 2.30pm
 F 15
 M 18
 Tu 19 Audit 5pm
 W 20
 Th 21
 F 22
 M 25
 Tu 26
 W 27
 Th 28 Cabinet
 F 29 **GOOD FRIDAY**

APRIL 2024


M 1 **EASTER MONDAY**
 Tu 2
 W 3
 Th 4
 F 5
 M 8
 Tu 9 O&S
 W 10
 Th 11
 F 12
 M 15
 Tu 16
 W 17 Planning
 Th 18 Council
 F 19
 M 22
 Tu 23
 W 24
 Th 25 Cabinet
 F 26

M 29
 Tu 30

MAY 2024

W 1
 Th 2 **GENERAL ELECTION
 PCC ELECTIONS**
 F 3
 M 6 **BANK HOLIDAY**
 Tu 7 Selection & CR
 W 8
 Th 9 JCC 2.30pm
 F 10
 M 13
 Tu 14 O&S
 W 15 Planning
 Th 16 Council
 F 17
 M 20
 Tu 21
 W 22
 Th 23
 F 24
 M 27 **BANK HOLIDAY**
 Tu 28 TEB 10am
 W 29
 Th 30 Cabinet
 F 31

KEY	
O&S	- Overview and Scrutiny
JCC	- Joint Consultative Committee

 School Holidays

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