

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **20th October 2022**.

Present:

Her Worshipful the Mayor, Cllr. J A Webb (Chairman);

Cllrs. Barrett, Bartlett, Mrs Bell, Blanford, Brooks, Buchanan, Burgess, Campkin, Chilton, Clarkson, Feacey, Forest, Hayward, B Heyes, T Heyes, Howard, Howard-Smith, Iliffe, Ledger, Link, Michael, Mulholland, Pauley, Pickering, Shorter, Spain, Sparks, C Suddards, L Suddards, Turner, Wright.

Also Present:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Health and Wellbeing, Policy and Democratic Services Assistant, Member Services Manager.

Apologies:

Cllrs. Anckorn, Bell, Clokie, Cornish, Farrell, Harman, Knowles, Krause, Meaden, Nilsson, Ovenden, Rogers, Smith, Walder, Wedgbury.

Prior to the commencement of the meeting Members remained standing in respect of the late Mr Michael John Bennett, the Borough Council Member for Rolvenden and Tenterden West from 2011 to 2019, who had passed away recently. Councillor Lyn Suddards then said prayers.

186 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.

187 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as a Member of Kennington Community Council and Sevington with Finberry Parish Council, which were both mentioned in one of the reports.	191
Webb	Made a 'Voluntary Announcement' as her husband had previously been in receipt of a Disabled Facilities Grant.	194

188 Minutes

Councillor Bartlett advised that the Minutes of the last Full Council meeting of 21st July 2022 recorded his response to a question from Cllr Lyn Suddards which included his statement that "The Health and Wellbeing Reference Group had not met for two years". Here, he was referring to an internal (ABC) Member interest group which had met on a few occasions to discuss specific time-bound NHS issues. There was however an **Ashford** Health and Wellbeing Reference Group, which was chaired until 30th June 2022 by Chris Morley. This included representatives from Patient Participation Groups in the Borough, Community Forums, Parish Councils, and other interested parties. That group had met virtually each month, with periodic joint meetings with other similar groups across Kent. The move to a single Integrated Care Board and a single Health and Care Partnership covering East Kent would no doubt influence the arrangements for that Group and others on how to get involved in shaping how healthcare was planned and delivered. He just thought it was important to make that clarification to avoid any confusion.

Resolved:

That, subject to noting the clarification above, the Minutes of the Meeting of the Council held on the 21st July 2022 be approved and confirmed as a correct record,

189 Announcements

(a) The Mayor

The Mayor said that the last couple of months had seen the loss of a much loved and respected Monarch in Queen Elizabeth II. Her commitment and duty knew no bounds, especially when it came to communities and our sacred planet. The world had lost a champion and a true diplomat. They now had a new King but she considered that their commitment to communities and the environment must never waiver and must continue to be embraced as they welcomed King Charles III.

She said she had been fortunate over the past months to meet some amazing individuals, attend some wonderful events and be a part of welcoming new businesses. These included Estate Agents Miles and Barr and their colourful new offices in the Town Centre and Kennington Boutique - another amazing and beautiful restaurant belonging to Ash Miah. Throughout the summer she had attended a number of delightful and rewarding events. To name a few these included: - a visit to Rylands Road to open the outside Gym; attended 'Eco Activity' with the children at Singleton Spaces and managed to paint a small bug box (at least the children had been impressed!); a 100th Birthday party at Ashford Active Retirement; the Fabric of Ashford Tapestry launch; Proms at the Jean Mealham Pop in Centre; Appledore Flower Festival with this year's theme of nursery rhymes; the Sagamantha Gurkha Nepalese annual football tournament; the opening of the Big Green Week with Councillors Barrett, Feacey and Claire Norman; and the Big Sleep Out with Benita of Specsavers. It had also been a pleasure to attend the Civic Ceremony of the Mayor of Tenterden, John Crawford, and this month, the fun filled Tenterden Folk Festival.

The Mayor said that her and her husband had been sad to be unable to attend the Twinning visit to Fougères this year due to ill health. They had been looking forward to meeting up again with old friends. She wanted to give a big thank you the Deputy Mayor and Mayoress for stepping in at the last minute to represent Ashford at this Civic event.

Recently, she had paid a visit to Downsvie Amber where she had been so impressed with the help and support provided to young homeless people - giving them the opportunity to start afresh, learn new skills and have the confidence to face the world and its challenges. It was amazing what was on their doorstep that they didn't always know about. It had been inspirational to learn of the good that people did without reward or sometimes recognition and this was highlighted at the Platinum Jubilee Civic Awards night which had been a fabulous evening and enjoyed by all who attended. One addition to her schedule had been earlier that day when she had been invited to give out awards at the Pubwatch 'Best Bar None' event. This was a joint initiative of the Police, Ashford Borough Council Licensing and the licensed trade. It had been great to see how many local businesses were committed to doing great work, keeping people safe in the night-time economy.

Finally, The Mayor said it had given her enormous pleasure to be able to recognise four individuals who had worked towards making Ashford a safe, colourful and cultural experience, by presenting them with Certificates of Achievement. Michael Claughton and Susan Mansfield of Ashford Access, who had worked tirelessly over the years towards highlighting and rectifying the issues that disabled individuals faced going about town, Melissa Dawkins for her outstanding work in making Ashford colourful, inviting and her ability to make creative art seem easy, and Debra McGee for her outstanding work in diversity in creative arts and music, and her commitment to Revelation St Mary's and its performances.

Her first charity event at the Everest Inn had been a real success and, as always, the Everest Inn had provided a wonderful evening and she wanted to thank everyone who supported this event. Her next event posed the questions - Do you like Bats? Or would you like to know more about them? If so, she encouraged all to book tickets to the "Let's Talk Bats and Buffet" on the 29th October at Singleton Environment Centre. She thought Donna had sent everyone an invite, but if anyone needed more information please contact her. She thanked everyone for their support and looked forward to letting everyone know about future events they had planned. There were exciting times ahead!

(b) Leader of the Council

The Leader said at this time he wanted to dwell on a pertinent issue for Local Authorities. He said the most important thing for all Elected Members in terms of governance, be it at Central Government, County or Third Tier Authority level, was the safety and wellbeing of the people they were responsible for. This must always take top priority over everything else they did. That is why he wanted to spend a little time at this meeting covering just some of the many things Ashford Borough Council was doing to discharge these vitally important responsibilities.

They all knew what a problem crime and anti-social behaviour could be and that everyone had the right to feel safe. They were fortunate to have a CCTV monitoring centre, located at the Civic Centre, which watched their streets 24 hours a day to prevent and detect criminal activity and anti-social behaviour. They proactively

monitored just under 100 cameras across the Borough and they had a direct radio link to Kent Police to report incidents and summon a response. They monitored cameras for other authorities and were installing an additional 12 cameras within the Town Centre, paid for by Safer Streets Funding. They were also currently working with Charing Parish Council on their installation of CCTV cameras which they would monitor. In Autumn 2021, following a successful bid to the Home Office, Ashford was awarded almost £550,000 from the Safer Streets Fund to make the streets of its Town Centre safer, particularly for women and girls. Officers from ABC and Kent Police had been working to spend this money wisely and to achieve the most effective interventions. In addition to the aforementioned additional CCTV, the funding had also paid for: - the creation of the Ashford Streetwise App; the Active Bystander training delivered to over 180 front line staff working in businesses operating in the town centre; presentations to schools on key safety messages; and improvements to the Underpass between the Station and the Outlet Centre, which included new lighting. Other areas had also been improved.

The Leader advised that the Council had teamed up with Charlton Athletic Community Trust on a four year-long project funded by ABC, the Police and Crime Commissioner and the Premier League. The project has engaged with young people in some of the Borough's most high-need areas, using the power of sport to create safer and more respectful communities. Ball Court sessions had taken place at Stanhope and Victoria Park and Premier League Kicks sessions had taken place at Towers School. More than 380 hours of mentoring had been provided to young people, including those giving cause for concern regarding anti-social behaviour, poor school attendance and carrying offensive weapons. The eradication of domestic violence had also been high on their agenda and they had given added financial support to those involved in tackling this sensitive problem. It was far from easy to address and skill and understanding were necessary.

He knew that many people were now also facing a very real challenge in terms of the cost of living increasing, especially in relation to food and energy costs. The Council was taking positive action to help residents during the cost of living crisis. He called a meeting of the Ashford Critical Emergency Resilience (ACER) group, at which he had announced the creation of the Welfare Advisory Group, which was now already underway and looking at ways the Council could help. Indeed, the Welfare Intervention Officers were now providing a drop in service at the One You shop every Wednesday afternoon and they were also actively connecting people with the various support they were entitled to, such as the Pension Credit Take up Campaign. During August and September the Council had taken part in the 'Eat Well, Spend Less' Roadshow held across three locations, namely the Ray Allen Centre Car Park, Repton Community Trust Centre and the One You Shop. The roadshow brought partners together to provide practical advice, information and support on key areas such as: - healthy eating on a budget; benefits advice; free school meals and healthy start vouchers; support available from foodbanks and other voluntary sector provisions. The roadshows had been so successful that they planned to repeat them with another event on the 7th of December in Park Mall. They had also been approached by Parish Councils with a view to holding events in the rural areas, and this was receiving active consideration. The One You Shop had been a base for some of these initiatives but had also been a success in its own right. When it opened in Park Mall in 2017 it was initially set up as a six month pilot. The shop helped people to lose weight, become more active, quit smoking and feel better about their health and lifestyle. The concept was designed so that visitors could simply drop in for advice about their health and wellbeing. It was now used by a whole

host of agencies to provide vital wellbeing support and advice. It had proved so popular right from the start that the shop moved to a larger unit within Park Mall and since then had gone from strength to strength.

The Leader said they were blessed to have the Ashford Volunteer Centre, which the Council very much recognised and supported. This long established Centre, right in the very heart of the town, facilitated volunteering across the whole Borough. It had been running for 40 years and was still going strong. The Centre helped to maximise the impact of volunteering and its projects included the successful Men in Sheds (which ran on Tuesday mornings), the Befriending Scheme and the Volunteer Car Scheme that helped so many in the Borough. They also had the Care Navigators who served at the William Harvey Hospital and provided a vital integrated resource. Help was available to get people out and about and enjoy the day-to-day activities many took for granted. Whilst this was a pivotal Centre, they also had many other volunteering individuals and groups across the Borough - all giving of their time and energies to help others. Ashford also had the highest number of Changing Places toilets in Kent, with a further three in the pipeline. To assist with this programme, the Council had secured £160,000 through the Government's Changing Places Fund. Wellbeing in the home was equally important and they recognised the need for disabled adaptations to be dealt with in a timely manner. In 2017, at his personal intervention, they had made the decision to engage an Occupational Therapist to improve the assessment and authorisation of adaptations funded through the Disabled Facilities Grant programme. This had been successful in reducing the waiting times and had significantly improved their overall service and sped up delivery. The Council's housing stock was well maintained with energy efficient measures put in place over the years. These were now keeping people warm and helping with household bills. The Council's own stock included 'A' rated boilers in 90% of properties. In addition, there was mineral wool cavity insulation and an established PVCu window and door replacement programme.

Finally, the Leader advised that the Council was always testing emergency planning arrangements to safeguard its residents. Recent desktop exercises had taken place, as well as live role playing scenarios, to test emergency planning arrangements on the ground. These exercises included the Council's Command and Control Centre working with those at the incident on ground operations and extending to include the provision of rest centre and resource arrangements and recovery. Operation Golden Arrow had been the most recent such exercise undertaken in the last quarter.

They were never complacent and there was always more to do. They took these matters very seriously indeed, because he considered caring for people should run through the very core of their existence as a Local Authority.

190 Cabinet – 28th July and 29th September 2022

(a) Cabinet – 28th July 2022

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 28th July 2022 be received and noted.

(b) Cabinet – 29th September 2022

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 29th September 2022 be received and noted.

191 Selection and Constitutional Review Committee – 29th September 2022

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 29th September 2022 be approved and adopted.

192 Audit Committee – 19th July and 4th October 2022

(a) Audit Committee – 19th July 2022

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 19th July 2022 be received and noted.

(b) Audit Committee – 4th October 2022

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 4th October 2022 be received and noted.

193 Audit Committee – Annual Report 2021/22

Resolved:

That the report be received and accepted.

194 Notices of Motion

Councillor Spain had submitted a Notice of Motion pursuant to Procedure Rule 11. This was detailed in full in the Supplementary Agenda. The Motion specifically asked for four resolutions namely: -

“1. To undertake a full, thorough, and objective review into how the Council is currently addressing its statutory Disability Facilities Grants (DFG) responsibilities towards its tenants with disabilities.

2. That this review is conducted in an open, objective, and honest way and with the required expertise to ensure that Members, Officers, and residents are completely certain of the current legal position with regards to how ABC meets its statutory DFG duties towards its tenants, and that all necessary corrective actions are identified.

3. That corrective actions for all issues identified during this review are undertaken within the shortest possible time frame and that no issues remain uncorrected by the end of 2022.

4. That above all, it will ensure that all laws and guidelines, including those which have been considered and adjudicated on by the Courts, relating to DFGs and Council tenants with disabilities are fully complied with.”

This was seconded by Councillor C Suddards.

Councillor Buchanan, Portfolio Holder for Housing responded to the Motion. He thanked Councillor Spain for his motion, not least because it allowed him to explain the Council's caring position on disabled people's housing adaptations, and that they were rightly proud of their position on these matters, as they strived to go above and beyond their statutory obligations. Neither himself, nor any of the Housing Team, would ever wish to believe that any disabled person had been disadvantaged as a result of their current practices. They took every step on the front foot to ensure applications were dealt with as quickly as possible. He had hoped to be able to provide Councillor Spain with a largely written reply, of which he would have had sight prior to this meeting, however, as this was a Motion, he was legally required to address the points in detail verbally.

He advised that the Assistant Director of Housing was conducting a review of the policies and procedures for DFGs and also for Council house adaptations for the disabled. The review involved seeking external advice from the Occupational Therapy (OT) Service at Kent County Council and the local Home Improvement Agency who currently provided a service to assist applicants with DFG's. She was also seeking independent advice from Foundations who could provide expert advice in this context. In addition, the Council's Legal department had been asked to provide guidance to the review regarding the legislation and application of law. The outcome of the review would be reported to the Cabinet, and any recommendations arising from the review would also be presented at the same time. It was anticipated that the review would be completed fully before the end of the year. Councillor Spain had been asked to meet with the Officers and furthermore he had been invited to submit details of cases that he believed may have been disadvantaged by the Council's approach, however, so far, he had refused to meet Officers, and had not supplied any actual examples of cases that had caused his concern.

Councillor Buchanan said it was important to note that the application process for a DFG and Council Tenant's adaptations for the disabled were two separate work strands and should not be confused. Whilst this review was ongoing, however, he could offer some information on findings so far. While it was open to Local Authority tenants to apply for a DFG and go through the formal application process, DFG funding was restricted to private sector properties and any spend on Council adaptations must be funded via the ring-fenced Housing Revenue Account. In 2014, a policy was adopted for Council house tenants to be able to apply directly to the housing department, as their landlord, for assistance with adaptations. By taking this direct approach, it did not require tenants to

have to go through the formal DFG process and allowed them to access direct support. If an applicant felt that they wished to apply for a DFG this would not be refused, but they would explain that they did not need to go through the formal DFG route to access support. Most so far had chosen to take the more direct route. The Council's legal advice was that policies seek to act as a guide, not a bind and that each application should be dealt with on a case-by-case basis. For Council tenants, the HRA identified a budget each year, which had been increased over recent years for this purpose, but they did not restrict tenants in need and would process applications that were necessary and appropriate, even if the budget had been exceeded. This was evidenced this year as the budget was £500,000, however due to some very high cost adaptations this year it had been exceeded and they had to date spent or committed to spend over £1M on adaptations from the HRA. Minor works applications were processed within 28 days and were completed on average within 40 days. Their target was 28 days to completion and they were working towards that. KPIs were reported on Pentana. Minor adaptation issues, such as grab rails, were sometimes processed without the need for an OT referral to expedite delivery and reduce the burden on the OT service. Each case was assessed on its own merits. Some properties required major adaptations and would obviously take longer. With all applications, Officers would seek advice and recommendations from the OT Team who were the experts in the field for identifying applicant's needs and for specifying certain works or type of equipment that may be needed. It was appropriate to do this so that the adaptation provided was suitable and safe for the disabled tenant as well as being appropriate and providing a comprehensive healthcare service for the wellbeing of the tenant. This practice was widespread across the Country and so far the offer had not identified any tenant who had been disadvantaged by obtaining this advice before acting on delivering adaptations.

In terms of applications for DFGs for private properties, Councillor Buchanan advised that there was an identified process for considering applications and this was supported by national guidance, updated by the Government earlier this year. Applicants could apply for a DFG but it had been practice to recommend that they do also approach the OT team for an assessment right at the start of the process. Guidance required the Local Authority to take advice from a suitably qualified person regarding the adaptations required. Applications could only be approved once there was a complete application and as part of this it was important that the client received appropriate advice about the ways in which their disability could be addressed and assisted in the home. The Local Authority recognised that applicants could choose to apply without having obtained this advice and also that they may wish to engage a private OT, but no application could be approved without the appropriate recommendations being received from a suitably qualified expert.

In terms of DFGs the average wait time was around six months which had significantly improved on the position from a few years back where the wait time could have exceeded 18 months to 2 years. The Council's DFG budget this year was £1.5m and they were currently projecting a spend of approximately £1.2m for this year, but this was of course dependent upon the volume of applications received. In this context they had no pressures of cases delayed due to budgetary issues. They were also informed that at this present time the OT service had around 11 cases awaiting an assessment and these were generally being dealt with swiftly, and well within the statutory timescales for considering an application for approval. There was also no delay in works being progressed via the Home Improvement Agency, other than the national problems being experienced currently with supplies of materials and labour. Despite these national

issues, the HIA, the OT service and the Council were working very well together to ensure a speedy consideration of cases. In short they had not found any evidence that applicants for DFG's had been disadvantaged by their current practices.

The Council would of course take every opportunity to identify improvements and did accept that they needed to review the information on the website and information in general. They would also be obtaining advice from 'Foundations' in this regard as an independent agency to further enhance their processes where this is necessary and appropriate.

Finally, the housing department previously had worked in partnership with the OT service to provide a dedicated OT service for Ashford applications, to enable them to further improve the speed and communication for applicants for both DFG's and Council tenant adaptations. Sadly the Covid pandemic had presented some exceptional challenges and meant that this could not be maintained, but the Officers were working with KCC for a proposal for this to be reinstated and progress on this would be included within the report to Cabinet.

So, as a response to the four specific points in the Motion presented by Councillor Spain, Councillor Buchanan advised the following: -

1. *To undertake a full, thorough, and objective review into how the Council is currently addressing its statutory Disability Facilities Grants responsibilities towards its tenants with disabilities.*

Councillor Buchanan said that the review was previously confirmed at the last Full Council and was underway already and therefore he questioned whether this motion is necessary.

2. *That this review is conducted in an open, objective, and honest way and with the required expertise to ensure that Members, Officers, and residents are completely certain of the current legal position with regards to how ABC meets its statutory DFG duties towards its tenants, and that all necessary corrective actions are identified.*

Councillor Buchanan said this was absolutely their intention so this was not disputed and agreed.

3. *That corrective actions for all issues identified during this review are undertaken within the shortest possible timeframe and that no issues remain uncorrected by the end of 2022.*

Councillor Buchanan considered this should be amended to read that "a report should be presented back to Cabinet with the outcome of the review and recommendations to address any areas identified, by the end of the year."

4. *That above all, it will ensure that all laws and guidelines, including those which have been considered and adjudicated on by the Courts, relating to DFGs and Council tenants with disabilities are fully complied with.*

Councillor Buchanan said that review would of course ensure that all relevant legislation and guidance had been taken in to account. The Council's Legal department had already been asked to provide advice to this effect within the scope of the review and

would have a role in providing input to the review and the recommendations as part of the Cabinet process.

Councillor Spain thanked the Portfolio Holder for his comprehensive response. As a point of personal explanation, he advised that he had only refused to engage with the Assistant Director for Housing in terms of her request to provide specific details on cases, as there may be residents who had court cases against the Council and he did not consider that appropriate. Additionally, the Portfolio Holder had asked under Point 1 of the Motion whether this Motion was necessary and he wished to clarify that he believed it was necessary to make sure that the review was held to a high standard of quality. He said he was pleased to note that both Officers and Members were engaging with it.

The Leader of the Council thanked Councillor Spain for bringing forward this Motion on an important subject that was close to all their hearts. He said he was largely in agreement with what had been put forward, but following the response of the Portfolio Holder he proposed the following amendments to Councillor Spain's original motion.

*"Point 1 be amended to read "To **complete** a full, thorough and objective review into how the Council is currently addressing its statutory Disabled Facilities Grants responsibilities towards its tenants with disabilities".*

Point 3 be amended to read "To report back to Cabinet, and any recommendations identified during this review are undertaken within the shortest possible timeframe."

Points 2 and 4 to remain unchanged.

This was seconded by Councillor Bartlett.

Councillors Spain and C Suddards as mover and seconder of the original Motion confirmed they were happy to accept those amendments.

Councillor Campkin considered it important the both Members and residents were aware of what was available in terms of these types of grants and accordingly he considered the ABC website needed to be updated to make this more obvious. He thanked Councillor Spain for bringing this matter to the Council's attention. This point was echoed by Councillor C Suddards as seconder of the original Motion. Councillor Buchanan advised that the need to update the website, and information more generally, was accepted and would be part of the ongoing review.

In response to a question from Councillor Barrett, Councillor Buchanan advised that he was not aware of any complaints regarding DFGs from members of the public during his time as Portfolio Holder for Housing.

Councillor Spain, as mover of the original Motion, concluded the debate by thanking the Council for their reasoned debate on this issue and giving it the attention it deserved. He wanted to ensure that the ongoing review was held to the highest possible standards, with a level of objectivity which at times may seem uncomfortable, but was necessary.

Resolved:

- That**
- (i) the Council complete a full, thorough and objective review into how it is currently addressing its statutory Disabled Facilities Grants responsibilities towards its tenants with disabilities.**
 - (ii) this review is conducted in an open, objective, and honest way and with the required expertise to ensure that Members, Officers, and residents are completely certain of the current legal position with regards to how ABC meets its statutory DFG duties towards its tenants, and that all necessary corrective actions are identified.**
 - (iii) a report come back to Cabinet, and any recommendations identified during this review are undertaken within the shortest possible timeframe.**
 - (iv) above all, the review will ensure that all laws and guidelines, including those which have been considered and adjudicated on by the Courts, relating to DFGs and Council tenants with disabilities are fully complied with.**
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