



## TRADING AND ENTERPRISE BOARD

Notice of a Meeting, to be held in the Committee Room No. 1 (Fougères Room) - Ashford Borough Council on Tuesday, 4th April, 2023 at 10.00 am.

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The Members of the Trading and Enterprise Board are:-

Councillor Bell (Chairman)

Cllrs. Feacey, Pickering and Shorter

### Agenda

### Page Nos.

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(c) and the Terms of Reference of this Board.

2. **Declarations of Interest**

1 - 2

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

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

See Agenda Item 2 for further details

3. **Minutes**

3 - 6

To approve the Minutes of the Meeting of this Board held on the 31<sup>st</sup> January 2023.

4. **Exclusion of the Public**

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

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of this item as it is likely that in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in

disclosing the information.

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| 5. | <b>A Better Choice for Property Ltd - Land at Charing</b>  | 7 - 92  |
| 6. | <b>A Better Choice for Property Ltd - Portfolio Update</b> | 93 - 96 |

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

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

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

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

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

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

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](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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## Trading and Enterprise Board

Minutes of a Meeting of the Trading and Enterprise Board held in Council Chamber, Civic Centre, Tannery Lane, Ashford, on the **31<sup>st</sup> January 2023**.

### Present:

Cllr. Shorter (Chairman for this Meeting)

Cllrs. Forest, Pickering

Cllr Ovenden (Observer).

### Apologies:

Cllr. Bell.

### Also Present:

Cllr Feacey.

Deputy Chief Executive, Head of Strategic Projects, Head of Economic Development, Principal Solicitor (Property and Projects), Member Services Manager.

Huw Evans, Matt Spry – Quinn Estates.

## 286 Election of Chairman

### Resolved:

**That in the absence of the Chairman, Councillor Shorter be elected as Chairman for this Meeting of the Trading and Enterprise Board.**

## 287 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as Chairman of the Ashford International Development Company.	290
Head of Strategic Projects	Made a Voluntary Announcement as a Director of the Ashford International Development Company.	290

## **288 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of the Board held on the 11<sup>th</sup> October 2022 be approved and confirmed as a correct record.**

## **289 Exclusion of the Public**

### **Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following items, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

## **290 Ashford International Development Company – Disposal of Residential Units**

The Chairman commented that there had been a short time to assimilate the huge amount of information related to this report. He also drew attention to the tabled paper which contained additional advice for the Board and a revised recommendation.

The Deputy Chief Executive introduced the confidential report which outlined the proposed transaction.

It was clarified that Paragraph 2 should refer to the Council having a 65% shareholding in the Company.

Following a lengthy discussion, the Board agreed the amended recommendations and the principle of the transaction. An additional recommendation was added asking the Deputy Chief Executive to share due diligence information with Members of this Board prior to exercising his delegation to approve. Board Members were encouraged to raise any particular questions they had with the Deputy Chief Executive in advance, in order to inform the use of that delegation.

In response to a question, the Head of Strategic Projects advised that overall oversight of this particular project, including the Risk Register, would be considered by the Economic Regeneration and Investment Board (ERIB). This Board (TEB) had a particular oversight role for the Company itself.

**Resolved:**

- That**
- (i) the proposed transaction be supported in principle, (whether or not it is within the approved Business Plan for the Company).**
  - (ii) authority be delegated to the Deputy Chief Executive, in consultation with the Chair of the Trading and Enterprise Board in his role as Shareholder Representative, and the Solicitor to the Council and Monitoring Officer, to approve the outcomes of the due diligence work to be carried out by the Company, and such further due diligence work as he considers appropriate, and to approve the terms and conditions of the final transaction.**
  - (iii) prior to exercising the delegation in (ii) above, the Deputy Chief Executive share the due diligence report with Members of the Trading and Enterprise Board.**
  - (iv) in the event that the final transaction is not with the approved Business Plan, this Board recommends the above to the Cabinet.**

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