



CABINET

Notice of a Meeting, to be held in the Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on **Thursday, 24th November, 2022 at 7.00 pm.**

The Members of the Cabinet are:-

Councillor Clarkson – Leader of the Council
Councillor Bartlett – Deputy Leader and Portfolio Holder for Safety and Wellbeing
Councillor Bell – Portfolio Holder for Planning and Development
Councillor Buchanan – Portfolio Holder for Housing
Councillor Feacey – Portfolio Holder for Policy and Performance
Councillor Forest – Portfolio Holder for Environment, Property and Recreation
Councillor Iliffe – Portfolio Holder for Economic Development
Councillor Pickering – Portfolio Holder for Human Resources and Customer Services
Councillor Shorter – Portfolio Holder for Finance, IT and Digital

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

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

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

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

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

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Agenda Item 3

CA

Published 1st November 2022

Decisions effective from the 9th November 2022 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 **27th October 2022**.

Present:

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

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

Apologies:

Deputy Chief Executive.

Also Present:

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

In attendance:

Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Place, Space and Leisure, Assistant Director of Planning and Development, Assistant Director of Environment, Property and Recreation, Head of Strategic Projects, Service Lead – Finance, Principal Solicitor (Strategic Development), Housing Asset Manager, Senior Communications Officer, Policy and Democratic Services Assistant, Member Services Manager.

195 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as Chairman of the Ashford International Development Company.	197, 203
	Made a Voluntary Announcement as Chairman of the Ashford Volunteer Centre.	197

196 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 29th September 2022 be approved and confirmed as a correct record.

197 Medium Term Financial Plan 2023 - 2028

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 said it was based on best estimates available at the end of September 2022, but the wider economic picture was currently so uncertain and volatile it was worth stressing that the budget process would have to be extremely flexible this year.

In response to questions, Officers confirmed that they would be examining the Chancellor's statement (due for 17th November) very carefully and there would be a lot of interaction and transparency with Portfolio Holders and Members as service budgets came forward.

The Portfolio Holder for Planning and Development asked for a reassurance that the new refuse contract would not be looking to move to a four weekly collection for residual waste as appeared to be being considered in some other areas. It was confirmed that this was not the case.

The Portfolio Holder for HR and Customer Services considered there would be value in producing some extra communication with residents outlining ABC's portion of the Council Tax and what a small percentage of the overall total that charge was. This was a message that still did not seem to be getting through.

Resolved:

- That**
- (i) the forecast be noted and the underlying assumptions be accepted, noting economic volatility.**
 - (ii) it be noted that the 2023/24 Government funding allocation was forecast to be the same as last year, a real term cut.**
 - (iii) the reserve position be noted and the proposed use of reserves to fund the 2023/24 budget deficit be supported.**
 - (iv) authority be delegated to the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance and IT, to agree the Council's continued participation on the Kent Business Rates pool.**
 - (v) Management Team, in conjunction with Members, be supported in developing a sound and robust schedule of savings to bridge the funding deficit highlighted within the report.**

198 Broadband Wayleave Agreements for Council Housing

The Portfolio Holder for Planning and Development introduced the report which explained that Officers were finalising wayleave agreements which would grant access to the Council's housing properties for the purpose of installing Fibre to the Premises (FTTP). As Openreach and Netomnia were rolling out FTTP across the Ashford Borough, thousands of the Council's residential properties would be in scope for this infrastructure upgrade. To ensure the Council facilitated and supported the wider FTTP rollout, Officers were seeking to streamline the wayleave agreement process, reducing the amount of documents and, therefore, the amount of time spent agreeing terms.

Resolved:

- That**
- (i) the adoption of a flexible wayleave system for Fibre to the Premises (FTTP) access to the Council's residential properties be approved.**
 - (ii) authority be delegated to the Solicitor to the Council to approve the form of these agreements based on Officers' recommendations (whether as deeds or ordinary agreements).**

Recommended:

- That**
- (i) the principle of recovering reasonable costs for the Council's work on wayleaves and FTTP installation in the Council's owned residential properties be agreed.**
 - (ii) authority be delegated to the Assistant Director of Housing to approve the final costs level to be included in these wayleaves, prior to them being signed.**

199 Corporate Property Performance – Annual Report 2021/22

The Portfolio Holder introduced the report which included market update, revenue and asset performance data for the financial year 2021/22, as well as an overview of the ongoing activities of Estates Surveyors to ensure positive progress for the next financial year and onwards. The report also identified progress on the delivery of the Corporate Asset Management Strategy 2020 – 2024 and provided a summary of how the Council's main commercial assets were performing. The Portfolio Holder particularly highlighted, to the Cabinet, the recommendation for charging fees.

Resolved:

- That
- (i) **the performance of the Council's Corporate Property portfolio during the financial year 2021/22, as stated at Appendix 1 to the report, be noted.**
 - (ii) **external factors affecting the commercial market conditions be noted.**
 - (iii) **the Estates team be authorised to charge fees and delegated authority be granted to the Assistant Director of Environment, Property and Recreation to negotiate on those fees where necessary.**
 - (iv) **the charging on non-refundable deposits on Land Enquiries be authorised, to cover administrative costs and Officer time, with the deposit being deducted from the consideration upon completion of the resulting transaction.**
 - (v) **the implementation of new processes and procedures in line with best practice according to the Royal Institution of Chartered Surveyors (RICS), be supported.**

200 Council Tax Base 2023/24

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 2023/24. 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. The tax base had been calculated at 48,906 Band D properties, an increase of 242 (or 0.5%) on the current year.

Resolved:

- That
- (i) **the 2023/24 'Net' tax base of 48,906 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.**

201 Stodmarsh Update

The Chairman directed Members attention to the tabled papers which included an alternative Paragraph 23 to the report.

The Portfolio Holder for Planning and Development introduced the report which provided an update on the progress of catchment wide strategy, the Council's own

strategic wetlands solution and recent updates from Government and Natural England on the nutrient neutrality issue. He said this was important update, demonstrating what the Council was doing as a Borough and providing assurance.

The Portfolio Holder for Finance, IT and Digital said the complexity of what it would take to deliver the solutions should not be underestimated and he wanted to acknowledge the collaborative work with other agencies and the time and effort that had gone in to this.

In response to a question, the Leader confirmed that all Districts were involved with strong lobbying of the water companies to upgrade water treatment plants, but this would take time. In Ashford they had begun inviting the water companies to the Ashford Strategic Delivery Board meetings to aid closer working relationships. It was clear that the water companies were part of the overall solution, along with Local Authorities, the Environment Agency and Natural England. This Council had always achieved success by working closely in conjunction with others, such as the Government and KCC, and that would continue here. It was an extremely complex process, but the right people were involved and the next step would be ensuring that the Council's planning application was as robust as it could be. Retaining control of the issue was considered vital.

Resolved:

- That**
- (i) the work done to date by Officers progressing new strategic wetlands in the Borough be noted and supported, subject to planning permission being sought and obtained for them in due course.**
 - (ii) the urgency and importance of this project to the Council continue to be recognised, subject to both planning permission and permitting approval.**
 - (iii) authority be delegated to the Chief Executive, in consultation with the Portfolio Holders for Planning and Development and Finance, IT and Digital, to negotiate and agree the details of the commercial structure (including any joint venture) associated with the provision of new strategic wetlands in the Borough and their delivery, management and maintenance.**
 - (iv) the Chief Executive be authorised to submit an expression of interest to DEFRA/Natural England/other Government bodies as appropriate, to receive funding in order to assist with the delivery/management/maintenance of the strategic wetlands, and**
 - (v) the Solicitor to the Council be authorised, in consultation with the Chief Executive, the Assistant Director of Planning and Development and the Head of Strategic Projects, to negotiate, finalise and enter into any funding, commercial or other legal agreements and documentation to implement the above.**

202 Greater Ashford Environment and Land Mapping Commission – Notes of 23rd August 2022

Resolved:

That the Notes of the Meeting of the Greater Ashford Environment and Land Mapping Commission held on the 23rd August 2022 be received and noted.

203 Trading and Enterprise Board – Minutes of 11th October 2022

Resolved:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 11th October 2022 be received and noted.

204 Ashford Strategic Delivery Board – Notes of 23rd September 2022

Resolved:

That the Notes of the Meeting of the Ashford Strategic Delivery Board held on the 23rd September 2022 be received and noted.

205 Climate Change Advisory Committee – Notes of 20th September 2022

Resolved:

That the Notes of the Meeting of the Climate Change Advisory Committee held on the 20th September 2022 be approved and adopted.

206 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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Agenda Item 6

Agenda Item No: 6
Report To: Cabinet
Date of Meeting: 24th November 2022
Report Title: Report of the Consultation and Engagement Task Group
Report Author: Abi Sheppard
Job Title: Policy and Scrutiny Officer
Task Group Chairman: Cllr. Noel Ovenden



ASHFORD
BOROUGH COUNCIL

Summary: The Overview and Scrutiny Committee agreed to form a Task Group to review consultation and engagement as part of the 2022/23 work programme.

This report outlines key areas discussed by the Task Group during the review and details any findings and conclusions.

The Overview and Scrutiny Committee endorsed the recommendations at their November meeting and Cabinet are asked to consider these.

Key Decision: NO

Significantly Affected Wards:

Recommendations: The Overview and Scrutiny Committee would like to recommend to the Cabinet that:

- I. Corporate consultation guidance be produced to provide services with good practice for setting up future consultations. The guidance should include details on the different methods of consultation and set out some minimum standards that need to be complied with before and after a consultation has concluded.
- II. Non-conventional methods of consultation should continue to be explored by the council in order to increase levels of engagement from residents such as video and Hello Lamppost.

- III. The use of easy-read versions of consultation papers should be considered for all public consultations.
- IV. An internal advisory group should be formed for Officers to review consultations before they are published. The group would meet informally to test and feedback to services about proposed surveys.
- V. A calendar of consultations is produced to ensure that the council can oversee how many consultations are issued to residents during one period.
- VI. Work to increase subscribers to ABC publications should continue to be developed by the Council.
- VII. The council explore options around creating a Citizens Panel to encourage local residents to give their views and opinions on services and issues that affect the Borough.
- VIII. Residents are engaged with the scrutiny work programme each year using the Council's communications channels

Policy Overview:	N/A
Financial Implications:	
Legal Implications:	N/A
Equalities Impact Assessment:	Not Required
Data Protection Impact Assessment:	Not required
Risk Assessment (Risk Appetite Statement):	
Sustainability Implications:	

**Other Material
Implications:**

**Exempt from
Publication:**

NO

**Background
Papers:**

Contact:

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Report Title: Report of the Consultation and Engagement Task Group

Foreword from the Task Group Chairman

1. The Overview and Scrutiny Task Group has reviewed Consultation and Engagement at the council. The review highlighted that conventional ways of engaging with residents did not always reach all groups of people in the Borough. New methods of consultation outside of traditional paper and digital surveys were increasing and Members felt that these options should be explored further.
2. Research from other Local Authorities showed that they had implemented corporate guidance for Officers to refer to when they were required to consult with residents. It was found that the council would benefit from having a set corporate process which could be made available to all staff. Furthermore, the Task Group also endorse the setup of an internal advisory group to provide an opportunity to discuss consultations on an individual basis and ensure the best method taken.
3. I would like to extend my thanks to Members of the Task Group and Officers involved for attending meetings and participating in discussion and debate.

Introduction and Background

4. The Overview and Scrutiny Committee agreed to review the council's approach to consultation and engagement. Members were particularly interested in how the council consulted with residents regarding current issues, new policies and projects. Members also wanted to understand what the challenges were with engaging hard to reach groups and compare best practice with other local authorities. It was agreed consultation and engagement would be a priority topic for the scrutiny work programme during the 2022/23 municipal year.

Review Scope

5. The Task Group assembled of 4 Members; Cllr Ovenden (Chair), Cllr. Ledger, Cllr. Blanford, Cllr. Barrett to examine the councils methods of consultation and engagement and, if required, make some recommendations to improve this to the full Committee.
6. A scope was initially compiled for the review to establish where scrutiny could be beneficial. A scoping document was agreed which outlined 5 key aims for the review:

- a. What methods of engagement and communication are used by council services and could they be improved to engage with hard to reach groups?
 - b. How is the council engaging with hard to reach groups in the Borough and what are the obstacles.
 - c. To understand the council's public consultation process and how this contributes to decision making.
 - d. To explore best practice and the tools used by other Local Authorities to carry out public consultations.
 - e. Identify ways that Overview and Scrutiny could engage more with residents to increase public participation at Committee meetings.
7. The Task Group discussed the methodology for this review and agreed that a combination of research reports and witness sessions would be the best approach. It was also suggested that council officers from other authorities could be invited to discuss the methods they use. Tunbridge Wells BC was identified as an authority who had recently adopted a new consultation software and so the Task Group would look to invite a representative to a future meeting. Essex County Council were also invited and provided evidence to council officers outside of the task group sessions.
 8. The Communications Team were also considered as key officers for this review. It was noted that this would not be a review of all the communication issued by the council but instead look at what consultation methods have been used to engage residents.
 9. The Panel would like to thank everyone that gave their time to the review.
 10. In order to keep the scope timely and focused, Members agreed to exclude the following sub-topics from this review:
 - a. Planning consultations (except where relevant to consultation software)
 - b. Engagement with Parish Councils
 - c. Communication with local business
 - d. Internal communications
 - e. Tenant Engagement

Review Findings

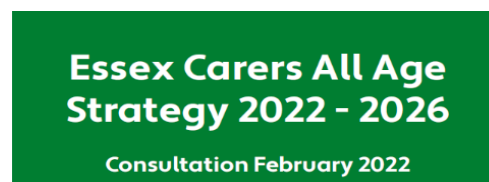
ABC's Public Consultation Tools and Methods

11. A report was prepared for the Task Group regarding how the Council services use public consultation to engage with residents over:
 - a. Draft policies or strategies (e.g. Equalities Policy)
 - b. The quality of council services (e.g. Residents Survey)
 - c. Upcoming Housing Developments (e.g. Henwood Site)

- d. Planning proposals (Both planning policy and development management)
 - e. Changes to some licensing or financial laws (E.g. Gambling Act 2005)
 - f. Budget Consultation
12. Consulting residents on strategic projects and key policies had created opportunities for residents to have a say in council initiatives. Therefore, this type of consultation has the potential to help strengthen the council's relationship with communities.
 13. However, with the increased use of online platforms to carry out consultations, there have been some challenges with reaching all groups of people. The council collects survey responses online through a digital software, 'Inovem' and Officers are able export the results and analyse the data. Some of the more hard-to-reach groups of people in the Borough may be digitally isolated and therefore unable to participate easily online. Different ways of interacting with digitally excluded groups of people are being explored by Officers and alternative formats are always offered. **(Recommendation II)**.
 14. There are also benefits to digital consultation and engagement. Online consultations are more efficient to conduct and many people prefer this method as people do their business online at a time of day convenient to them. We have also seen an increase in engagement at council meetings due to the new hybrid working arrangements and the ability to stream videos and upload them to YouTube.
 15. There were a variety of consultation software solutions that could be used for administering consultations. Bang The Table and Citizen Space were alternative systems used by other local authorities and were introduced to the Task Group. Members felt that the most important aspects for online consultations were that they should be engaging, to the point and in plain English. It was agreed that in comparison with other providers, the council's current software was capable of carrying out consultations in similar ways.
 16. The Policy and Performance team worked as a main contact for providing help and advice to services regarding their surveys and questionnaires. Although the team were able to assist in this regard, there was no formal guidance or central process for consultation. Research from other Local Authorities showed that toolkits were used offsetting out minimum standards which were expected to be complied with and also helped users to consider the aims and objectives of the consultation in question.
 17. Dover District Council have developed a 'Consultation Toolkit' which is designed to give services a step by step process for carrying out consultation work. The toolkit provides a set of minimum standards which are expected to be complied with and asks you to consider the aims, objectives of the consultation. There is also a section that advises on the different consultation methods and the benefits and drawbacks to each one. Also, the Consultation Institute has commended guidance issued by Northampton Borough Council. In a similar way to Dover DC, the guidance gets users to think about what they are trying to achieve out of undertaking a consultation exercise and ensures that methods and resources are considered in the process.

18. It was proposed that the council create a guidance document for corporate consultations in a similar way to other local authorities and based on best practice set out by the Council. The Task Group agreed that having a framework could help address some of the challenges experienced by Officers, for example, by ensuring that there was a recommended minimum time frame for which a consultation should run. It could also provide guidance on deciding the most appropriate type of survey, constructing questionnaires and different formats. Furthermore, a guidance document could help to widen the methods of engagement used by the council and help bring forward new ways of consulting, which is particularly important when seeking views from hard to reach groups. **(Recommendation I)**

19. As well as traditional paper based or online surveys, it was found that the council could look to use other methods more frequently to ensure hard to reach groups had their voice heard. For example, it was suggested that easy-read version of consultation papers or videos could help explain things in a more simple way. Essex County Council provided evidence about their approach to easy read consultations and how they employed an external company to create easy read versions when appropriate for the subject matter. **(Recommendation III)**



EasyRead Version



20. The Task Group discussed the process of how consultations were published. Members proposed that more could be done to ensure there was a clear quality checking process for future consultations. An example had been provided of where a consultation had been too long and repetitive which had led to a number of the responses not being fully completed. It was suggested to Members that an informal internal consultation advisory group could be formed for Officers to create a process for submitting and publishing consultations. This would ensure that all avenues of consultation were discussed and explored during the early stages of a consultation. It would also enable the consultation to be properly tested to ensure plain English, question routing and length was appropriate. **(Recommendation IV)**
21. Members also wanted to ensure that a calendar was created to clearly set out what consultations were expected during the year. The calendar could then

inform the advisory group as to when they should convene. Creating a record of consultations could also help to track what methods the council has used more frequently and capture lessons learned to inform future consultations.
(Recommendation V)

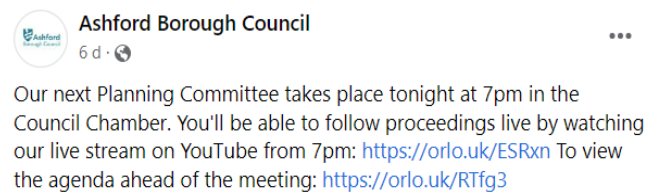
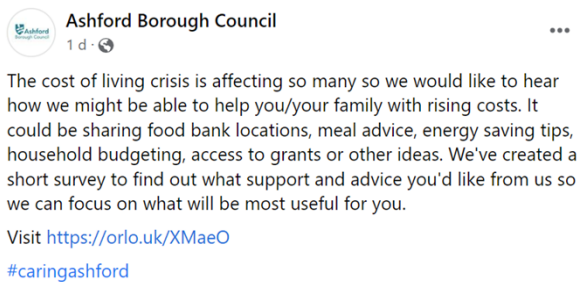
Witness Sessions

22. The Task Group invited the Communications Manager from Tunbridge Wells BC (TWBC) to attend a meeting and talk about the consultation methods they used at their council.
23. The Task Group compiled a list of questions which were presented at the meeting.
 - a. Can you provide an overview of how consultations work at your council?
 - b. Have you seen an improvement with getting consultation responses since you have implemented the new system?
 - c. How do you collect a database of people to consult with on specific issues?
 - d. What other methods of consultation and engagement do you use that are/have been successful?
 - e. Are consultations reviewed by a panel or individual before being published?
24. Members took interest in the community group database that had been created by TWBC and was used to consult residents on specific issues. It was noted that only contact details from subscriptions that allowed you to opt in could be used for consultation purposes. It was felt that using the 'opt in' feature more in council communications would help build up a subscriber list of contacts of people who wanted to engage with the council more often.
(Recommendation VI)
25. As part of the research for this review, the scrutiny team made contact with Essex County Council to discuss their online methods of consultation and engagement. Essex were identified as a council that used a different consultation software called Citizen Space. Essex had also used Citizen Space to develop a Residents' Panel. The panel are regularly asked to provide feedback on services and issues that are important to residents, up to six times a year. Any adult resident who lives in the area is able to sign up and choose what to take part in and prize draws are ran on occasion as an incentive to take part.
26. Whilst it was good to have the option for people to sign up to a Panel it was important that any panel was representative of the local community to ensure a diverse range of voices were heard and that the borough was represented properly. If ABC were to adopt such a Panel then consideration to the membership to ensure wide representation should be given. It was also important that any panel would have a reasonably active programme of consultations, surveys or straw polls each year to ensure momentum was maintained and membership did not become outdated.

27. The introduction of a Citizens Panel at Ashford Borough Council could be another way of increasing engagement with residents. Collecting feedback to consultations from Panel Members regularly could also help the council understand what the most prominent issues are facing residents.
(Recommendation VII)

Communications and Engagement

28. Members were interested to learn about how the Communications team used different media platforms to engage with residents. A presentation was provided to the Task Group and advised on the following
- Overview of Communications key functions
 - Ashford For You magazine
 - Readers' Survey
 - Social Media channels and digital approach
 - Promoting consultations
 - Ongoing challenges and possible solutions



29. The Task Group discussed the use of social media to convey council messages. Keeping up to date with the increasing number of social media channels had proven to be a challenge. However, it was useful to target certain groups of people by choosing social platforms that they used more often, for example, Instagram was a popular platform used more by younger people. Council meetings such as Overview and Scrutiny were announced on social media and the meetings were also promoted as hybrid which allowed residents to join online from home. It was suggested that further work could be done to promote council meetings by sharing what topics were due on the agenda in advance. For Overview and Scrutiny, using social media and the council's magazine could help engage residents with the work conducted by the Committee. One way of doing this could be to ask residents to submit their own ideas for the scrutiny work programme each year. These could be reviewed by the Committee using the scrutiny topic selection matrix.
(Recommendation VIII)

Conclusion

30. The Task Group recognised the importance of consulting residents on various issues. Although public consultations had been undertaken for many policies, strategies and developments, a high response rate was not always received. Members agreed that new ways could be explored to help reach all types of residents in the Borough which may involve looking outside of traditional surveys and questionnaires. The creation of a Citizens Panel was also considered as a new way to increase regular engagement with residents.
31. Creating a corporate approach to consultations was seen as key for ensuring their quality. The Task Group concluded that more could be done to guide Officers when considering consultation methods and a wider group of consultation experts in the council could be formed to help with this.
32. The Task Group found that public participation at public facing committees had improved due to the new hybrid working arrangements. However, it was suggested that more work could be done to engage residents with the work of the O&S Committee through social media and the council's resident magazine.

Recommendations

2. **The Overview and Scrutiny Committee would like to recommend to the Cabinet that:**
 - I. Corporate consultation guidance be produced to provide services with good practice for setting up future consultations. The guidance should include details on the different methods of consultation and set out some minimum standards that need to be complied with before and after a consultation has concluded.
 - II. Non-conventional methods of consultation should continue to be explored by the council in order to increase levels of engagement from residents such as video and Hello Lamppost.
 - III. The use of easy-read versions of consultation papers should be considered for all public consultations.
 - IV. An internal advisory group should be formed for Officers to review consultations before they are published. The group would meet informally to test and feedback to services about proposed surveys. .
 - V. A calendar of consultations is produced to ensure that the council can oversee how many consultations are issued to residents during one period.
 - VI. Work to increase subscribers to ABC publications should continue to be developed by the Council.

- VII. The council explore options around creating a Citizens Panel to encourage local residents to give their views and opinions on services and issues that affect the Borough.
- VIII. Residents should be engaged more with the annual scrutiny work programme via the Council's communications channels.

Next Steps in Process

33. The final report of the Task Group was submitted to the council's Management Team who have provided advice to the Cabinet regarding each recommendation. Overall, Management Team were supportive of all the recommendations and their advice is tabled below:

No.	Recommendation	Management Team Advice
I	Corporate consultation guidance be produced to provide services with good practice for setting up future consultations. The guidance should include details on the different methods of consultation and set out some minimum standards that need to be complied with before and after a consultation has concluded.	MT supported the recommendation and endorsed using best practice issued by the Chartered Institute.
II	Non-conventional methods of consultation should continue to be explored by the council in order to increase levels of engagement from residents such as video and Hello Lamppost.	MT agreed that more informal methods of engagement should be considered for future consultation.
III	The use of easy-read versions of consultation papers should be considered for all public consultations.	MT agreed that easy-read publications should be available where relevant.
IV	An internal advisory group should be formed for Officers to review consultations before they are published. The group would meet informally to test and feedback to services about proposed surveys.	MT recommended that the communications team should be involved in the group to help ensure the use of plain English in publications.
V	A calendar of consultations is produced to ensure that the council can oversee how many consultations are issued to residents during one period.	MT supported the recommendation.
VI	Work to increase subscribers to ABC publications should continue to be developed by the Council.	MT endorsed the approach taken by the Communications team to increase subscriptions to publications.
VII	The council explore options around creating a Citizens Panel to encourage local residents to	MT agreed with the idea of a Citizens Panel in principle and

	give their views and opinions on services and issues that affect the Borough.	supported further research in to how this could operate at Ashford BC.
VIII	Residents are engaged with the scrutiny work programme each year using the Council's communications channels.	MT support the recommendation.

34. Subject to Cabinet approval, it has been proposed that an update on the recommendations is brought to the Overview and Scrutiny Committee during later 2023 to review their progress.

Contact and Email

35. Abi Sheppard, Policy and Scrutiny Officer
Abi.sheppard@ashford.gov.uk 01233 330394

Agenda Item No:

Report To: Overview and Scrutiny Committee
Cabinet



Date of Meeting: Overview and Scrutiny Committee: Tuesday 08th November
Cabinet: Thursday 24th November

Report Title: Performance Report, Quarter 2 2022/23

Report Author & Job Title: Tom Swain
Governance and Data Protection Officer

Portfolio Holder Cllr. Peter Feacey
Portfolio Holder for:

Summary: This report summarises performance against the council's updated suite of KPIs reflecting the Corporate Plan 2022-24, for the Quarter 2 period 2022/23.

This report pulls from across council services the information necessary to reflect the quarterly KPIs. Representing these in the four themes of the Corporate Plan that of Green Pioneer, Caring Ashford, Targeted Growth and the councils underlying principles.

In addition to surrounding narrative for specific KPIs where available, this report highlights some of the key actions over the quarter where relevant to the aims and objectives of the Corporate plan.

Key Decision: No

Significantly Affected Wards: None

Recommendations: **Overview and Scrutiny Cabinet, is asked to:-**

I. Consider the performance data for Quarter 2 2022/23

Policy Overview: Performance measures have been updated to reflect the objectives and priorities of The Corporate Plan 22-24.

This quarterly Performance Report acts as an opportunity to monitor the progress made by the council against the Corporate Plan.

Financial Implications:

N/A

Legal Implications:

N/A

Equalities Impact Assessment:

Not required as the report presents information on past council performance and does not recommend any change to council policy or new action.

Data Protection Impact Assessment:

N/A

Risk Assessment (Risk Appetite Statement):

N/A

Sustainability Implications:

N/A

Other Material Implications:

N/A

Exempt from Publication:

No

Background Papers:

The Corporate Plan 2022-24

Contact:

Tom.Swain@ashford.gov.uk – Tel: (01233) 330432

Portfolio Holder's Views:

This Q2 performance report provides an opportunity to monitor and review the council's performance against its Corporate Plan. It demonstrates some of the progress and constraints that are influencing our short and medium term performance.

Regular review of the material included in this report ensures Members and Officers remain focused on our priorities and understand the issues that are affecting our residents, providing an early indication of the areas we need to focus our attention on moving forward.

Report Title: Performance Report, Quarter 2 2022/23

Introduction and Background

1. In 2019 we embarked on a comprehensive study to inform our next Corporate Plan, envisaging that this would be developed and adopted during 2020. As our work with stakeholders was coming to a conclusion the coronavirus pandemic forced the country into lockdown in March 2020. Our [Recovery Plan](#) was developed as an interim strategic document to focus our work towards enabling a timely recovery from the pandemic, supporting residents, communities and local business.
2. With the start of the 22/23 financial year the Recovery Plan has now been superseded by the [Corporate Plan 22-24](#). This Corporate Plan continues this journey and looks ahead, with renewed vigour, to realise the [Ashford Ambition](#) that was developed with a wide range of local stakeholders for a vibrant, caring and sustainable borough.
3. The Ashford Ambition is supported by three priority themes:
 - Green Pioneer – Where businesses, communities and the public and third sector have come together to become carbon neutral, respect the local environment and ecology, and embrace a more sustainable way of living.
 - Caring Ashford – A caring and supportive place to live, with rich heritage; thriving towns, villages and rural communities; great schools; high-quality housing; a plethora of cultural activities and events; and a strong sense of civic pride.
 - Targeted Growth – A place where productive, innovative, responsible town and rural business communities offer good quality work to an agile and skilled local workforce who have embraced a culture of lifelong learning.

These along with our underlying principles provide a framework that focuses our efforts on working towards our strategic objectives.
4. This report seeks to provide an overview of performance against the council's key performance indicators for Quarter 2 2022/23. The council's performance framework captures key performance data from across the organisation as it relates to the council's Corporate Plan.

Areas of Note

5. Whilst measures reflecting our statutory functions continue to show positive progress and largely meet targets. It is clear from a number of measures that the cost of living squeeze is starting to have a material impact on our residents.
6. With our communities still in the recovery phase following the pandemic, the cost of living squeeze is a further set back and is starting to show an impact across our KPI suite.
7. Specifically within Ashford Town Centre where occupancies rates whilst still above their pandemic low are starting to fall, this is reflected in both CP_KPI_34 and 35. This will likely filter through to our commercial investment measures with time. The council has ownership of a number of key sites within Ashford Town Centre and with the Town Centre Reset, a now Super Six project, this will continue to be an area of focus.
8. This cost of living squeeze can also be seen in an increase in the number of homelessness presentations being received CP_KPI_19 with the financial implications of this being closely monitored in our Financial Monitoring reports.
9. The Council has recently run a short [survey](#) asking residents what additional support and advice it can best offer to aid with the increasing cost of living. Additionally residents are reminded that our [Welfare Intervention](#) Officers are available to assist.
10. Finally, due to the short turnaround time of this report, and the need for the Planning team to prioritise national returns due this month, the Planning related KPIs have not yet been updated, the narrative has however and it is expected that performance will broadly be in line with the previous quarters. It should be noted that in the medium term with the new planning system bedding in and Stodmarsh mitigation measures now moving forward, improvements in these measures should start to be seen.

Performance Report for the Corporate Plan 2022-24, Quarter 2 - 2022/23



Ashford Ambition:

To be a thriving, productive and inclusive borough by 2030 and beyond; a vital part of Kent and the South East where local businesses, social enterprises, communities and the public sector provide collective leadership to promote shared prosperity, happiness and wellbeing.

Theme	Challenges	Objectives	Outcomes
<p>Green Pioneer</p> <p>Our long term aim: Every community and individual plays their part in becoming a carbon neutral borough, through a more sustainable way of life. And the natural environment is protected and enhanced.</p>	<p>Tackling climate change by achieving carbon neutrality</p> <p>Enabling development whilst protecting the environment</p> <p>Ensuring no one is disadvantaged as we reduce the carbon footprint of our services and operations</p>	<p>GP1: Reduce reliance on fossil fuels in line with our carbon neutral targets</p> <p>GP2: Increase biodiversity and encourage sustainable lifestyles</p> <p>GP3: Reduce the amount of waste produced from homes and business</p>	<ul style="list-style-type: none"> - Homes are energy efficient and cheaper to heat. Renewable energy generation and consumption increases. Fewer local car journeys are made, air quality improves and residents are more active and healthy. - Communities in urban and rural areas value, enjoy and respect the natural environment and the abundance of wildlife increases - A borough free of litter, where everyone takes responsibility for minimising the amount of waste they produce
<p>Caring Ashford</p> <p>Our long term aim: Towns, villages and rural communities are welcoming, safe places for all who live and work in them, offering a high quality of life where everyone is valued and respected.</p>	<p>Enabling homes that are affordable to local people on low incomes</p> <p>Improving wellbeing and opportunities for people living in the most disadvantage areas</p> <p>Raising educational attainment and skills level of local population</p>	<p>CA1: Homes and neighbourhoods in the borough meet the needs of local people of all ages, incomes and abilities to live sustainably and safely</p> <p>CA2: Local people have access to life-long learning to ensure they have knowledge and skills to take up local employment</p> <p>CA3: Reduce health inequalities and improve the wellbeing of local people</p> <p>CA4: Communities celebrate their heritage and the diversity of their population to build a more connected community and strengthen social responsibility</p>	<ul style="list-style-type: none"> - Communities feel safe and secure with easy access to locally - led services designed with communities to meet their needs - Local people seek positive change for themselves and others through the development of their knowledge and skills, improving social inclusion and employability - The lives of people with the worst health and wellbeing outcomes are improved - Cultural activities and events bring communities together, increasing tolerance, respect and understanding
<p>Targeted Growth</p> <p>Our long term aim: A thriving, productive local economy supporting a range of business and industry offering good work to local people and is recognised as a high quality visitor destination.</p>	<p>Ensuring our towns remain vibrant places and adapt to changing consumer habits</p> <p>Matching local skills with the needs of employers</p> <p>Attracting new industries to establish in borough and retain and grow existing business</p>	<p>TG1: Increase productivity and job opportunities and the establishment of sustainable, knowledge based and creative industries in the borough</p> <p>TG2: Enable the improvement of digital infrastructure to support the growing needs of business, voluntary sector and residents</p> <p>TG3: Strengthen local supply chains and increase the resilience of the local economy</p> <p>TG4: Support growth in the visitor economy</p> <p>TG5: Stimulate vibrant, accessible and sustainable Town Centres for residents visitors and business</p>	<ul style="list-style-type: none"> - The borough attracts and grows businesses and industries that are innovative and sustainable that benefit local employment and incomes - Fast, reliable digital connectivity is available across the whole borough so no one is disadvantaged in accessing online services or doing business - Local business survival rates improve - The borough is a 'year round' visitor destination renowned for offering quality visitor experiences - Our town centres are lively, safe places where people of all ages live, work and visit, coming together to enjoy events and activities

Introducing the Super Six







With the 'Big 8', a set of strategically important infrastructure projects, which became the cornerstone of the [AshfordFOR](#) inward investment campaign, now delivered or significantly completed, a new chapter in the Ashford FOR story is needed

The period of this report, saw the announcement of the super six projects, made up of; Project Green, Ashford College phase 2, Town Centre Reset, Stodmarsh, Newtown Works and South of Ashford Garden Community. These all sit within our Corporate Plan, fitting neatly across the themes of Green Pioneer, Caring Ashford and Targeted Growth.

The creation of the Super 6 provides a new focus and impetus for a new campaign to help deliver these ambitious projects, but also to put Ashford on the map nationally, ensuring the maximum opportunity to attract future investment and government funding.



Corporate Plan Themes and Key Performance Measures

PI Status		Long Term Trends	
	Alert		Improving
	Warning		No Change
	OK		Getting Worse

Green Pioneer

Highlights from the Quarter

Ashford's first Great Big Green Week

In the quarter, for the first time, Ashford Borough Council took part in the nation campaign – The Great big Green Week (24 September – 2 October).

The council worked with local organisations to produce a weeks' worth of events. Bringing together and raising awareness of local green initiatives to the community and helping residents learn how they can play a part by contributing through everyday actions and choices.







The main event – The Great Big Green Week Roadshow, created a vibrant atmosphere in Ashford town centre. Many residents engaged with the local stalls, learning tips on recycling, saving energy, how to get a more biodiverse garden and tips on shopping locally. Families got to enjoy the free activities available, which included making your own draft excluder and for the more competitive the smoothie bike challenge.

The Queen's Green Canopy Update - Memorial Tree Planting For Her Majesty

Following the death of Her Majesty The Queen, and the wishes of our Patron, His Majesty The King, The Queen's Green Canopy (QGC) initiative will be extended to the end of March 2023 to give people the opportunity to plant trees in memoriam to honour Her Majesty.

As a nationwide initiative created to mark the Platinum Jubilee, The Queen's Green Canopy was due to conclude in December - the end of the Jubilee year. However, as the official tree planting season in the United Kingdom is from October to March, the initiative will now be extended to include this full tree planting season, beginning in October 2022 and concluding in March 2023.

Quarterly Measures

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_06 Number of organisations committed to active travel plans cycling/walking	Number of organisations committed to travel plans cycling/walking	<p>Officers are developing a proposal for a travel plan for Ashford Borough Council staff. Work continues to explore how we can work with a local business to pilot an active travel plan within the borough to inform further role out.</p> <p>Initiatives to get people cycling through 'guided rides' and bike repair and maintenance schemes have been successful and will continue to be offered through the autumn of 2022</p>									
CP_KPI_09 Recycling Rate	% of borough waste recycled or composted	49%	50%		54.67%	50%		50%	50%		Q2 figures based on data for July figure only – data to follow from KCC shortly for August and September.
<p>Ashford's recycling rate remains comfortably above the national target of 50% DEFRA's nationwide recycling league tables.</p> <p>Waste data from UK local authorities is reported to WasteDataFlow with statistics available at the following links: WasteDataFlow Waste and recycling statistics</p>											
CP_KPI_10 Refuse Collection Success Rate	% of successful refuse collections per 100,000 refuse collections made.	99.97%	99.96%		99.96%	99.96%		99.96%	99.96%		Waste data from UK local authorities is reported to WasteDataFlow with statistics available at the following links: WasteDataFlow Waste and recycling statistics

Caring Ashford

Highlights from the Quarter

Work begins on Phase 2 of Ashford College

It's an exciting time for Ashford College, with construction work underway on a brand new extension.

Called Phase 2, the new wing will house classrooms and laboratories for Business, Information Technology, and Engineering. The new facilities will create a renewed focus on these up-and-coming fields, and allow 250 more students each year to access the high quality education offered at Ashford College.

Featured will be an 'Engineering Hub', which will highlight the role engineering can play in creating solutions to climate change and promoting decarbonisation.

The extension will also be key in delivering the new T Level qualifications, which are equivalent to three A Levels and provide learners with work experience as part of their training.

Eat Well Spend Less a success

A series of Eat Well Spend Less roadshows took place in July, August and September, across East Kent, focussing on providing targeted help and advice for local families who may need extra support because of rising food prices.

The 12 events (three in Ashford) brought together a range of partner organisations (over 50 across the region) including Kent Community Health NHS Foundation Trust, frontline NHS staff and council officers, outreach organisations and charities, in one easy-to-access place.

The roadshows had a family-focus to provide practical advice, information and support in key areas such as: healthy eating on a budget, benefits advice, free school meals and healthy start vouchers, support available from food banks and other voluntary sector provisions.

Ashford's events took place at The Ray Allen Centre, Stanhope, Repton Connect and the One You Shop, Park Mall.

Ashford Civic Awards honour community heroes

The Ashford Borough Council Platinum Jubilee Civic Awards took place on Friday 23 September at Chart Hills Golf Club, Biddenden.

The awards provided an opportunity to recognise and celebrate the hard work and dedication of individuals who have enriched the lives of others in their community, who have made significant achievements or who have acted as role models for our residents.

Taking place in this historic year of the Platinum Jubilee of the reign of Her Majesty Queen Elizabeth II, the event honoured those people who have delivered community service by outstanding achievement or dedicated contribution within the borough of Ashford.

Tenterden Leisure Centre swimming pool reopens

The swimming pool at Tenterden Leisure Centre reopened on Wednesday 21 September, following an extended period of closure while the centre's storm-damaged roof was repaired.

Work had begun in September 2021 to remove the roof covering and replace it with a more thermally efficient option, which will also require less maintenance. However, storm damage in October last year meant the pool had to close completely while investigations were carried out into the extent of this damage.

Following extensive repairs to the roof, a deep clean of the facility and the installation of a new filtration system, the centre operators Tenterden Leisure Centre Trust have been able to announce it's reopening.

Plans on short-stay accommodation for homeless people at Henwood Road car park approved

Ambitious plans have been approved to create new high quality short-stay accommodation apartments for homeless people on the under-used Henwood car park on the edge of Ashford town centre.

This will be the first-of-its-kind modular development in the borough. It will be built on a steel podium, and all necessary safety features and flood risk mitigation measures have been adopted for this scheme due to the site situated in a flood zone area.

On the right track – new athletics running track at Julie Rose Stadium opens




The Julie Rose Stadium now has a brand new athletics track following a £300,000 investment on the new running surface by Ashford Borough Council.

Freedom Leisure and Ashford Borough Council worked on plans to re-surface the outdoor athletics track at the iconic stadium that was built in 1997. Works began in March this year and the finishing touches were completed in July.

The next phase of investment will see the indoor running chute replaced along with a refurbishment of the indoor throwing cage later this year.

This follows on from the complete refurbishment and opening of the new gym and exercise studio last year, and is further evidence of the great partnership between the council and the not-for-profit leisure trust to improve the health, wellbeing and sporting facilities for the people of Ashford and the surrounding area.

Quarterly Measures

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_13 Food Hygiene Rating	% of businesses in the borough with a food hygiene rating above 3*	99.1%	98.5%		99.2%	98.5%		98.8%	98.5%		
Ashford Borough Council's Annual Food Service Plan 2022/23, includes a review of performance in delivering official food controls during 2021/22 is available at: Food Services Plan 2022/23.pdf (moderngov.co.uk)											
CP_KPI_17 Council Affordable Housing - New Build	No. of additional new build affordable homes delivered by council housing	31			17			0			There are now no houses on site sadly. This is as Halstow Way is completed and all other sites are caught up in the planning system or 'subject to Stodmarsh' mitigation measures in time.
However in the pipeline for delivery we have 20 homes with approval in Mabledon Avenue that we would hope to begin on site as soon as possible and that in the planning process we currently have 3 x infill schemes totalling 12 homes, an independent living scheme totalling 69 dwellings and a temporary accommodation scheme totalling 23 dwellings.											

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_18 Council Affordable Housing - On-Street Purchases	No. of additional on-street purchase affordable homes delivered by council housing	3			3			1			The quarter saw 1 completion.

As listed in previous quarters this way of acquiring properties is not as competitive as it was during recent months since the property market boomed over the early part of the year when the stamp duty holiday was in place. There are reports that the market is slowing down so the suitability of such an approach in the market will be re-evaluated as things progress.

CP_KPI_19 Homelessness Presentations	No. of homelessness presentations	404			391			466			
CP_KPI_19b Homelessness Preventions (still in accommodation)	No. of households where homelessness was prevented	28			24			28			

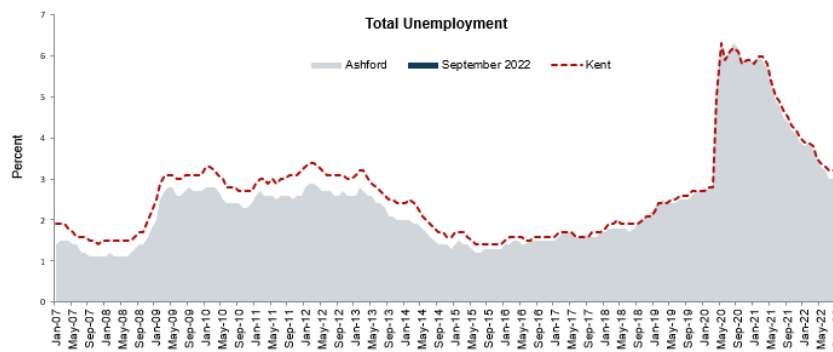
The latest data tables on local government housing including Ashford Borough Council, covering social housing sales, homelessness, and affordable housing supply are available at the following links: [Social housing sales](#) [Homelessness](#) [Affordable housing supply](#)

The provision of Temporary Accommodation has seen an increase in demand and in the latest [financial monitoring report](#) forecasted a pressure of £183,000, this is an area of increased risk in the current economic climate.

CP_KPI_20 Disabled Facilities Grants Completed	No. of disabled facilities grants administered by the council	13			16			20			Average figure for the time of the year.
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Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_20b Disabled Facilities Grant Spend	Actual spend per quarter for disabled facility grants	£200,928.24			£196,521.61			£284,750.48			Average spend for this time of the year

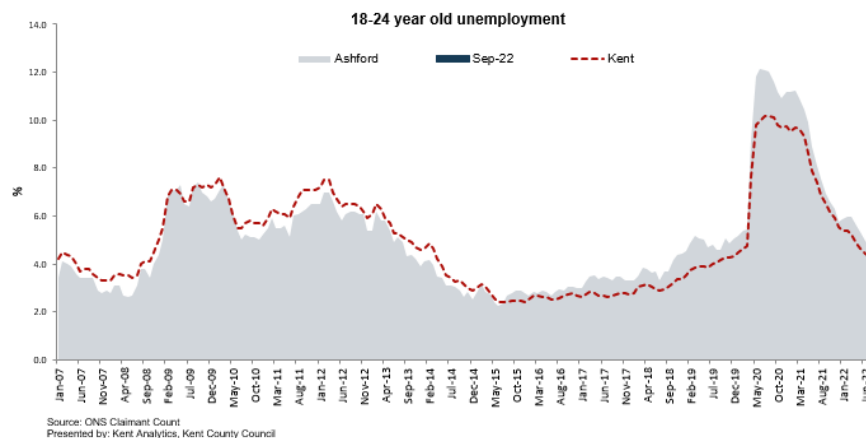
CP_KPI_21 Unemployment	Unemployment figures taken monthly from Kent County Councils Economy and employment data.	3.7%			3.2%			3%			<p>The unemployment rate in Ashford is 3%. This is below the rate for Kent (3.2%). 2,335 people were claiming unemployment benefits in Ashford. This has fallen since last month.</p> <p>More information available within - Economy and employment data - Kent County Council</p>
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Source: ONS Claimant Count
Presented by: Kent Analytics, Kent County Council

September 2022	Number	% rate	Number change since August 2022	% change since August 2022	Number change since September 2021	% change since September 2021
Ashford	2,335	3.0%	-20	-0.8%	-1,095	-31.9%
Kent	30,650	3.2%	+205	+0.7%	-12,060	-28.2%

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_22 Unemployment 18-24yr olds	Unemployment 18-24yr olds taken monthly from the Kent County Council economy and employment data	6%			4.9%			4.9%			<p>More information available within - Economy and employment data - Kent County Council</p> <p>Latest available data on Young People Not in Education, Employment or Training (NEET) is available from - Tracking Young People - KELS!</p>



18-24 Unemployment

September 2022	Number	% rate	Number change since August 2022	% change since August 2022	Number change since September 2021	% change since September 2021
Ashford	430	4.9%	+5	+1.2%	-175	-28.9%
Kent	5,365	4.5%	+40	+0.8%	-2,425	-31.1%

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_26 Benefit Change of Circumstance Processing	Average time taken to process a benefit change of circumstance in no. days	1.84	10		1.94	10		2.17	10		Benefit change of circumstance processing time continues to remain on target.
CP_KPI_27 Benefit New Claim Processing Time	Average time taken to process a new benefit payment claim in no. days	25.96	28		28.78	28		27.72	28		Processing time returned to target following Q1 delay in the processing of a number of new claims in Exempt Supported Accommodation and Temporary Accommodation due to delays in obtaining clarification regarding subsidy implications from the DWP
CP_KPI_29 Value of grants awarded via community grant fund.	Value of grants awarded via community grant fund	£334,453.70 for 2021/22			£249,101 for H1 of 22/23						Value of grants awarded via community grants fund to date this financial year - £249,101. This level of funding will not be repeated in the next 6 month period as some grants schemes are fully allocated at the beginning of the financial year
CP_KPI_30 Number of tickets sold local lottery Scheme	Number of tickets sold local lottery scheme – generating x amount.	New Measure			Since start of scheme 17 Feb 2022, 16,614 tickets			Since start of scheme 17 Feb 2022 24,106 tickets			Lottery: Since lottery scheme started selling tickets on 17 Feb 2022, 24,106 tickets generating £12053 income for good causes to date.

Income direct to good causes will rise by 10p to 60p from each ticket sale from 7 Nov when change takes effect.

Information about the Ashford Community Lottery is available from [Ashford Community Lottery: Easy online fundraising for good causes - Ashford Community Lottery](#)

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_32 Support to 'vulnerable' groups through leisure centre activity	Support to 'vulnerable' groups through leisure centre activity	New Measure			Ongoing projects and activities: Silent Sunday (SEN); a weekly soft play session targeted towards children up to 12yrs with special educational needs. Learning Difficulties Group, East Kent NHS Foundation; This is a 10-week course where supervised access to the gym and an exclusive Aqua Aerobics class is offered. 75+ free swimming was launched recently in Q2. Local link ups to Age UK are aiming to boost participation. GP Referral Re-launch; newly re-launched scheme across both Stour and Julie Rose with a dedicated staff member, more pathways to referral, better monitoring and use of more facilities such as the Stour Bio-circuit.						

Overall performance across the leisure centre contract has remained constant or shown increases in participation in some areas. This summer holiday period was the first one the Stour has been fully open since Freedom took over which meant that a full programme of swimming and holiday activities could be delivered for the first time. The Julie Rose running track was re-laid by APC's contractors at the end of this quarter, with positive feedback from users. August saw Centurion, North Downs Way 100 mile Ultra Race was hosted by the Julie Rose Stadium with 219 participants.

Pressure on operational costs from increases in utility prices remain as key challenges. A pre-booking system for the tennis courts a Spearpoint came into use (remaining free to use). Freedom continue to develop their environmental policy, with some key targets being developed for the future of the contract.

Stour Centre Members 2068. Julie Rose Stadium 448 Members. Learn to Swim participants 114. Stour Centre total visitors 89,117. Julie Rose total visitors 6,107. Total swimming visits 36,446. Spearpoint visitors 527. Facebook page visits were up by 26.7% at 5230 visits

Targeted Growth

Highlights from the Quarter

Hello Ashford - finding out resident's views on our Town Centre changes

Using the engagement platform Hello Lamp Post, members of the community will be able to interact with objects around the town centre via their mobile phone.

Residents can strike up conversations with familiar street furniture such as benches, bins, flower beds, lamp posts, the bandstand and more.

Signs are placed in and around Bank Street and Middle Row, you can either text the number displayed on the sign or scan the QR code to receive information on the object.

Fabric of Ashford

Ashford's high street saw a series of family-friendly events and workshops as part of The Fabric of Ashford; The Place That Makes Us campaign. This has featured a line-up of events throughout July and August including pop-up workshops, live music, storytelling workshops, street entertainment and art installations.

The finale event on 20 August showcased the borough's community spirit in the form of the Ashford Tapestry; a community-created art project comprising colourful fabric artwork, all sewn together to form an impressive art installation.

New places to enjoy in Ashford Town Centre

Parts of Ashford Town Centre looked a little different during the period as new seating, furnishings and bunting decorating upper Bank Street and Middle Row.

This temporary pilot scheme delivers some interventions that links to key themes from the Town Centre Reset - integrated play, feature lighting, temporary public realm and outdoor seating. If successful this could lead to further, more permanent features in the future.

This short-term regeneration project aims to encourage active and healthy lifestyles by introducing informal play opportunities, attractive places to meet and dwell and enhancing of public spaces.

It provides a new look and feel to areas of the town centre, with additional cleaning, re-decoration and new planting, bunting and seating adding a touch of colour.

Fibre to the Premises is rolling out in the Ashford borough

Areas of the Ashford borough are seeing Fibre to the Premises (FTTP) being rolled out by several companies including Netomnia and Openreach. Work is underway by both companies to upgrade infrastructure in a number of areas across Ashford and Tenterden.

In July Netomnia invited Cllr Neil Bell, Portfolio Holder for Planning and Development, along with officers from Ashford Borough Council on a site visit to see how FTTP upgrades happen on the ground. They began at the BT Exchange in Ashford and then visited two properties enabling them to see how the fibre cabling is installed and understand its journey from the exchange to households and businesses.

One of the objectives in our Corporate Plan 2022-2024 is to enable the improvement of digital infrastructure to support the growing needs of business, voluntary sector and residents.

Ashford Borough Council supports businesses with two innovative programmes

As part of our continued commitment to developing the economic prosperity of the borough, we are working with Kent Invicta Chamber of Commerce (KICC) to roll out two exciting programmes to support businesses and enable them to grow further.




Scale Up Ashford and Growth Entrepreneur Ashford are both expert-driven growth and expansion schemes to help businesses to fulfil their full potential and explore new ideas and concepts that they need might need further guidance or help to drive forward.

Quarterly Measures

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_33 Business survival - current vacancy rates	Business survival, measure based upon our business rates records Current vacancy rates	8.4%			8.65%			9.4%			5335 properties 341 exemptions 160 empty reliefs
<p>Business survival, measure based upon our business rates records comparing the total number of rated premises against those which have an empty property exemption or relief applied to their accounts.</p>											
CP_KPI_34 Ashford town centre vacancy rate	Ashford town centre vacancy rate	14.8%			15.4%			15.5%			July 2022 335 units 52 empty - 15.5%
<p>The area surveyed is the High Street, Middle Row, New Rents, North Street, Bank Street, Tufton Street, County Square, Park Mall and Elwick Place. This is surveyed manually quarterly. Vacancy rates peaked at 20% in September 2020, due to the effects of the Coronavirus pandemic. Although improved from the low, remain significantly above the previous low of 8% in November 2017, and remain significantly above national benchmarks, which were 12% in January 2022.</p>											
CP_KPI_35 Contribution to budget from commercial investments	Contribution to budget from commercial investments utilising the budgeted figures provided as part of the councils budget books.	85%			92.2%			81.5%			Figure based on Ellingham, Carlton Road, Elwick Place, International House, Matalan and Wilkos.
<p>The Corporate Property Annual Performance Report 2021/22 reviewing revenue performance of the Council's corporate property portfolio during the financial year, as well as advising on its likely future performance is on the October Cabinet agenda.</p>											

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note																								
		Value	Target	Status	Value	Target	Status	Value	Target	Status																									
CP_KPI_36	Vacancy rates (in our corporate property)	8%			8%			6%			<table border="1"> <thead> <tr> <th>Site</th> <th>Square foot let</th> <th>Total square foot</th> <th>Percentage let</th> </tr> </thead> <tbody> <tr> <td>Ellingham</td> <td>64,897 sf</td> <td>64,397 sf</td> <td>99.2%</td> </tr> <tr> <td>Carlton Road</td> <td>37,244 sf</td> <td>42,065 sf</td> <td>88.5%</td> </tr> <tr> <td>Elwick Place</td> <td>92,026 sf</td> <td>94,351 sf</td> <td>97.5%</td> </tr> <tr> <td>International House</td> <td>72,800 sf</td> <td>82,462 sf</td> <td>88.3%</td> </tr> <tr> <td></td> <td>266,967 sf</td> <td>283,275 sf</td> <td>94.2%</td> </tr> </tbody> </table>	Site	Square foot let	Total square foot	Percentage let	Ellingham	64,897 sf	64,397 sf	99.2%	Carlton Road	37,244 sf	42,065 sf	88.5%	Elwick Place	92,026 sf	94,351 sf	97.5%	International House	72,800 sf	82,462 sf	88.3%		266,967 sf	283,275 sf	94.2%
Site	Square foot let	Total square foot	Percentage let																																
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International House	72,800 sf	82,462 sf	88.3%																																
	266,967 sf	283,275 sf	94.2%																																

Major sites that we acquired for commercial/investment purposes included. Please note Park Mall and the Commercial Quarter are not included as these were purchased for development and regeneration purposes.

CP_KPI_38	Digital uptake - % of total council transactions /% Increase transactions completed electronically.	80%	80%		83%	80%		80.39%	80%		Our current digital uptake target is 80%
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The Customer Service, IT and Digital Strategy was adopted at the end of June 2022 with a key focus of keeping the customer at the centre of our services. [Customer Service IT Digital Strategy.pdf \(modern.gov.co.uk\)](#)

	July 22	Aug 22	Sept 22
Digital Transactions	31577	28557	31545
Total Transactions	39173	36091	39239
Digital Uptake	80.61%	79.12%	80.39%

CP_KPI_39	Social media engagement	<u>Q4 (Jan-March)</u> Impressions Facebook: 972.4k Twitter: 84.4k Nextdoor: 78,163k Instagram: 3k	<u>Q1 (April-June)</u> Impressions Facebook: 977,240 Twitter: 62,471 Nextdoor: 91,593 Instagram: 2,747	<u>Q2 (July-Sept)</u> Impressions Facebook: 867,487 Twitter: 47,088 Nextdoor: 123,428 Instagram: 8,766	Ashford Borough Council's Communications team is responsible for managing the council's social media accounts. Our most active platforms that residents can engage with the council on, include Facebook, Twitter, Nextdoor and Instagram. The data will allow the Council to better understand the needs of our
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Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
		Followers			Followers			Followers			<p>residents and ensure that our social media strategy is shaped by the results of the data.</p> <p>With circa 50,000 combined total followers across all ABC social platforms, the Communications Team are also actively exploring methods to further grow each platform through various digital tools so that they can effectively reach more residents across the borough, including those in rural areas.</p>
		Facebook: 9.9k Twitter: 9k Nextdoor: 22k Instagram:2.5K			Facebook: 10,115 Twitter: 9,082 Nextdoor: 25,536 Instagram: 2,574			Facebook: 10,459 Twitter: 9,112 Nextdoor: 26,407 Instagram: 2,633			

Page 41	CP_KPI_41	Parking usage	250,895	243,026	259,506	<p>September 2022 result 90,236 Last 12 months</p>
	Parking usage	Ashford and Tenterden Car Parks				

Parking Report - Overview of Car Park and on Street Sales for September 2022

Top Performing Car Parks this month









1. Vicarage Lane Car Park (A) – £48,961.00, slightly down but on par with last month and forecast for this car park alone at end of financial year = is over £500k, which equates to around 20% of total income.
2. Recreation Ground Car Park (T) £37,238.00
3. Elwick Place – £30,804.00

Total Financial Year Figures/ Income

Forecast for 2022-23 -	£2,505,000
2021-22	£2,203 918
2020-2021	£ 819 698
2019-2020 Income	£2,591 786

Our Principles

Quarterly Measures

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_42 FOI Response Rate	% of freedom of information requests responded to within 20 working days	99%	95%		98%	95%		95.6%	95%		180 requests received in the period, 8 responded to outside of the 20 working day window. 155.5 officer hours used to respond to requests in the period.
CP_KPI_43 Business Rates Collection	% of national non-domestic rates collected by the council - cumulative figure per month	97.6%	99%		30.12%	24.75		56.38%	49.5%		Government finance including Ashford Borough Council, covering borrowing and investment, capital payments and receipts, local Council Tax support, quarterly revenue outturn and receipts of Council Taxes and national non-domestic rates are available here
CP_KPI_44 Council Tax Collection Rate	Percentage of council tax collected - cumulative figure per month	97.4%	98.25%		30.1%	24.57%		57.25%	49.14%		
CP_KPI_45 Percentage of invoices paid on time	Percentage of invoices paid on time	New measure			Due to system upgrades the information remains pending						

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_46 Gas Safety Certificates	% of ABC properties with up to date gas safety certificates	99.54%	100%		99.81%	100%		99.74%	100%		Work continue weekly, if not on a daily basis to gain access to those hard to access properties.
CP_KPI_47 Number of days sickness per full time equivalent		9.96 days per FTE			For the complete year 21/22 8.04 days per FTE						
<p>Sickness absence per employee 2021/22</p> <p>A total of 3,225 days were lost due to sickness absence across the 12-month period from 1st April 2021 to 31st March 2022. Based on the number of Full Time Equivalent (FTE) employees at 31st March 2022, 509.29 FTE, the total amount of working days lost due to sickness in 2021/22 is 6.33 days per FTE. This is an increase from the previous year when the number of days was 4.7 days per FTE or 2,079 days.</p> <p>Had we included Covid related sickness absence in these figures (i.e. staff who were unable to work due to being symptomatic or self isolating and unable to work) the days lost would have been 8.04 days of absence per FTE overall.</p> <p>57% of employees did not incur any periods of sickness absence during the 12-month period.</p> <p>Annual Sickness Report 202122.pdf (modern.gov.co.uk)</p>											
CP_KPI_48 Average Speed of Customer Service Calls Answered	Average wait time for customer service calls	0h 01m 35s	0h 01m 38s		0h 01m 14s	0h 01m 38s		0h 01m 30s	0h 01m 38s		Absence 91hrs - 6 CSA's A/L 267.5rs - 13 CSA's

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
CP_KPI_51 Number of ongoing litigation/court proceedings (volume measure)	number of ongoing litigation/court proceedings (volume measure)	140			Number of ongoing litigation matters = 92 Number of cases where costs have been awarded against ABC = 0			Number of ongoing litigation matters = 109 Number of cases where costs have been awarded against ABC = 0			Measure covers those litigation/court proceedings being furthered by legal services.
CP_KPI_52 Number of new 106 files opened	number of new 106 files opened	Number of new 106 files opened – 4 Number of draft 106 agreements sent out – 5 Number of 106 cases completed – 3			Number of new 106 files opened - 10 Number of draft 106 agreements sent out – 4 Number of 106 cases completed – 56			Number of new 106 files opened - 6 Number of draft 106 agreements sent out – 7 Number of 106 cases completed – 3			
CP_KPI_53 Planning Application Approvals	% of planning applications approved	85%	90%		85%	90%		Q2 Data Pending.			
The national average performance for the percentage of planning applications approved is usually around 87 to 88% Q1 performance nationally was 88%. Whilst 85% is below the 90% target it should not be a cause for concern.											
CP_KPI_54 Speed of Major Planning	% of major planning applications determined within 13 weeks (or within such extended period as agreed in	85%	65%		50%	65%		Q2 Data Pending			

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
Application Decisions	writing between the applicant and the local authority)										
CP_KPI_54b	% of major planning applications determined within 13 weeks amended to reflect 24 rolling month	85%	75%		82%	75%					
<p>The latest data tables on local government Planning including Ashford Borough Council, covering the speed and quality of planning decisions are available at the following link: Live tables on Planning application statistics</p> <p>Performance remains good across the broader period in respect of major application determinations. This quarter's performance is below par but it is based on just 11 cases (i.e. 5 out of 12 is 55%). The cases that ran over the statutory target date were mostly subject to particular causes of delay and difficulty associated with S106, Stodmarsh, Committee referral and two were refused without agreement to an EOT from the applicant.</p>											
CP_KPI_55	% of minor and other planning applications determined within 8 weeks (or within such extended period as has been agreed in writing between the applicant and the council).	79%	75%		86%	75%		Q2 Data Pending			
CP_KPI_55b	% of non majors determined within 8 weeks amended to	90%	80%		90%	80%					

Code & Short Name	Description	Q4 2021/22			Q1 2022/23			Q2 2022/23			Latest Note
		Value	Target	Status	Value	Target	Status	Value	Target	Status	
% of non majors determined within 8 weeks amended to reflect 24 rolling month	reflect 24 rolling month										

The latest data tables on local government Planning including Ashford Borough Council, covering the speed and quality of planning decisions are available at the following link: [Live tables on planning application statistics](#)

Performance in non-major schemes remains strong and above target.

Page 46 PP_KPI_56 Number of live planning casework reducing backlog	Number includes all conditions applications, pre-app cases, as well as applications for outline, full or reserved matters consent. Reducing backlog with a capacity set at 550 open cases	839	550		817	550		Q2 Data Pending
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Application numbers have continued to increase. Stodmarsh is a known factor which is holding applications up (approximately 220 cases) and implementation of the new planning application management system (ARCUS) has resulted in the number of live applications increasing temporarily. In relation to Stodmarsh, officers are taking cases to the point where proposals can be agreed in all other respects pending the nutrient mitigation solution. This includes any applications where a Committee resolution may be required and/or a Section 106 Agreement to deal with other matters. In relation to the build-up of cases as a result of the introduction of ARCUS, officers are considering another clearance week following the very successful clearance week in May. This is designed to shift a lot of cases by freeing planning officers for one week to focus purely on making planning decisions. In May this resulted in 170 applications being determined in one week.

Staffing resources remain fairly stable in the Development Management Team with most posts now filled on a permanent basis and reducing consultancy support. This trend is expected to continue but will be managed against on-going caseload numbers.



Agenda Item No:

Report To: Cabinet

Date of Meeting: 24 November 2022

Report Title: Data Protection Policy Suite (Periodic Review)

Report Author: Tom Swain

Job Title: Governance and Data Protection Officer

Portfolio Holder: Cllr. Peter Feacey

Portfolio Holder for: Portfolio Holder for Policy and Performance

Summary:

We need to collect and use certain personal information about individuals to allow us to carry out our many and varied functions and responsibilities – including the provision of government services and meeting legal, statutory and contractual requirements. This data is a valuable asset, and without adequate levels of protection, confidentiality, integrity and availability of information, we will not be able to fulfil these obligations whilst maintaining the confidence of our service users and fulfilling our data protection obligations.

A robust Data Protection Policy Suite is therefore required to ensure our data protection obligations are documented, met and promoted to all.

The councils current Data Protection Policy Suite was reviewed and agreed by Members in March 2019.

To ensure our Data Protection Policy Suite remains relevant and fit for purpose it requires a periodic review. This report acts as a reviewing opportunity, with amends made to reflect any changes to the legislative data protection landscape and any best practice guidance issued by the supervisory authority (ICO) since the policy was last reviewed.

Key Decision: NO

Significantly Affected Wards: None

Recommendations: **The Cabinet is recommended to:-**

- I. Review and approve the amended Data Protection Policy Suite**
- II. Authorise the Data Protection Officer, in consultation with the Portfolio Holder, to approve minor amendments to the policy in-line with working arrangements and or legislative change.**

Policy Overview:	Revised Data Protection Policy Suite, with amends made to reflect any changes to the legislative data protection landscape and any best practice guidance issued by the supervisory authority (ICO) since the policy was last reviewed.
Financial Implications:	None
Legal Implications:	Required to ensure the council complies with its obligations as a Data Controller in line with the Data Protection act 2018 and UK GDPR.
Equalities Impact Assessment:	Not Required
Data Protection Impact Assessment:	Not Required
Exempt from Publication:	NO
Background Papers:	None
Contact:	Tom Swain – Governance and Data Protection Officer tom.swain@ashford.gov.uk – Tel: (01233 330432)

Report Title:

Introduction and Background

1. The Council collects and uses a huge amount of personal data and has statutory obligations in respect of that personal data. We have a number of data protection related policies and procedures in place making up our policy suite , including:
 - Data Protection Policy;
 - Breach Management Policy;
 - Individual Rights Policy;
 - Data Sharing Protocol;
 - Data Protection Impact Assessment template;
 - Data Protection Compliance Monitoring Protocol
2. To ensure our Data Protection Policy Suite remains relevant and fit for purpose it requires a periodic review. This report acts as a reviewing opportunity, with amends made to reflect any changes to the legislative data protection landscape and any best practice guidance issued by the supervisory authority (ICO) since the policy was last reviewed.

Proposal

3. The Data Protection Policy Suite has been reviewed and amended taking into account:
4. The Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019, which amended the DPA 2018 and merged it with the requirements of the EU GDPR to form a new, UK-specific data protection regime that works in a UK context. This new regime is known as the 'UK GDPR', replacing GDPR.
5. The Data Protection (Charges and Information) (Amendment) Regulations 2019, which exempted the processing of personal data by members of the House of Lords, elected representatives and prospective representatives – this includes local authority councillors – from the requirement to register as separate data controllers with the ICO. All other data protection obligations remain.
6. The addition of a Senior Information Risk Owner (SIRO) to the relevant roles and responsibilities section of the Data Protection Policy. The SIRO will be a designated member of the Directorate with overall responsibility for the organisation's information risk policy. The SIRO is accountable and responsible for information risk across the organisation. The SIRO for ABC is the Monitoring Officer.

7. Amendment to the council's Data Protection Impact Assessment (DPIA) template to reflect that recommended by the ICO.
8. General amends to the policy to bring it up-to-date.

Consultation Planned or Undertaken

9. The revised policy has been drafted by the data protection team, reflecting any changes to the legislative data protection landscape and any best practice guidance issued by the supervisory authority (ICO) since the policy was last reviewed.

Reasons for Supporting Option Recommended

10. A robust Data Protection Policy Suite is required to ensure our data protection obligation are documented, met and promoted to all.
11. A failure to have a current regularly reviewed Data Protection Policy Suite would potentially place the council in a vulnerable position which could result in financial and reputational damage.

Next Steps in Process

12. Once approved by Cabinet this revised Data Protection Policy Suite will replace its predecessor as the Council's suite of information security policies.

Conclusion

13. We need to collect and use certain personal information about individuals to allow us to carry out our many and varied functions and responsibilities – including the provision of government services and meeting legal, statutory and contractual requirements. This data is a valuable asset, and without adequate levels of protection, confidentiality, integrity and availability of information, we will not be able to fulfil these obligations whilst maintaining the confidence of our service users and fulfilling our data protection obligations.
14. The lawful and appropriate treatment of personal data is vital to our successful operations and essential to maintaining confidence between the council and our service users. The council therefore fully endorses and is committed to its data protection obligations as spelt out within the Data Protection act 2018 and UK GDPR.
15. A regularly reviewed policy suite is a key pillar to this, necessary to facilitate this objective.

Portfolio Holder's Views

16. A robust, regularly reviewed Data Protection Policy Suite is essential to ensure our data protection obligations are documented, met and promoted to all.
17. We are committed to our data protection obligations as spelt out within the Data Protection act 2018 and UK GDPR, ensuring the personal data of our service users is appropriately protected, legally processed and the rights and freedoms of the individuals are maintained.

Contact and Email

18. Tom Swain – Governance and Data Protection Officer
tom.swain@ashford.gov.uk – Tel: (01233 330432)

DATA PROTECTION POLICY

Last updated: December 2022

Version History

Version	Date	Amendments	Reviewed/Approved
V1.00	March 2017	First Version	PCOURTINE
V2.00	March 2019	Revisions for GDPR/DPA18	TS/CH
V3.00	December 2022	General revisions for UK GDPR	TS/CH

Next review date: On or before January 2025

Author: Tom Swain

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Definitions

Some of the terms used in this policy have very specific meanings. These include:

- I. **'data protection law'** means all applicable data protection and privacy legislation in force from time to time in the UK including the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR); the Data Protection Act 2018 (DPA 2018) (and regulations made thereunder) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended and the guidance and codes of practice issued by the Information Commissioner or other relevant regulatory authority;
- II. **'controller'** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;
- III. **'processor'** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;
- IV. **'personal data'** means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- V. **'processing'** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- VI. **'personal data breach'** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Introduction

1. This policy provides Ashford Borough Council's (ABC) standards which must be maintained to comply with the UK's Data Protection Act 2018 (DPA18) and the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (UK GDPR).
2. We are registered as a Data Controller with the Information Commissioner's Office with registration number Z8344724.
3. ABC needs to collect and use certain information about individuals to allow us to carry out our many and varied functions and responsibilities - including the provision of government services and meeting legal, statutory and contractual requirements. This data is a valuable asset, and without adequate levels of protection, confidentiality, integrity and availability of information, we will not be able to fulfil these obligations whilst maintaining the confidence of our service users.
4. This document is available to: all ABC Employees, Partners, Contractors, Agents and Elected Members.
5. Key Messages
 - ABC is a data controller and as such all Council Employees, Partners, Contractors, Agents and Elected Members have a responsibility for data protection.
 - Service Heads as the most senior/responsible individuals within each service area and are required to take on the role of Information Asset Owners (IAOs) for their respective service area. Their role is to understand what information is held, what is added and what is removed, how information is moved, and who has access and why to data within their respective service. As a result they are able to understand and address risks to this information, and ensure it is only processed in line with data protection law.
 - Data protection applies to all the personal and "sensitive" special category data held by, and on behalf of, ABC. This information must be lawfully and fairly processed relying upon appropriate legal bases and the provision of suitable privacy notices.
 - You must only access personal data, client records, files and folders which you "need to know" in order to do your job. Unauthorised access is a criminal offence.
 - Safeguarding of people, at immediate risk of harm, over-rides data protection concerns (vital interest).
 - All members of the public, employees and members, as data subjects, have statutory rights including the right of access to their data.

- Data Protection training is a mandatory e-learning module all employees must complete as part of their inductions and revisit as a refresher module every two years.
- You must report any suspected data breach of personal or sensitive data to the [Data Protection Team](#) immediately.
- You should make yourself aware of the additional statutory responsibilities on the Council, including the need for Privacy Notices, Data Processing clauses in Contracts, Records of Processing Activities and Data Protection Impact Assessments.

Policy Statement

6. Any personal information - however it is acquired, held, processed, released or destroyed - must be dealt with in a transparent manner that maintains the trust of the general public and our colleagues. We also need to ensure that we comply with our legal obligations when collecting and using personal data. In particular, we have to comply with the six “data protection principles”, which are that personal data shall be:

- 1) processed lawfully, fairly and in a transparent manner in relation to the data subject (**‘lawfulness, fairness and transparency’**);
- 2) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. (**‘purpose limitation’**);
- 3) adequate, relevant and limited to what is necessary in relation to the purposes for which it is being processed (**‘data minimisation’**);
- 4) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is being processed, is erased or rectified without delay (**‘accuracy’**);
- 5) kept in a form which permits identification of a data subjects for no longer than is necessary for the purposes for which the personal data is being processed. (**‘storage limitation’** or **‘retention’**);
- 6) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**‘integrity and confidentiality’**).

As a data controller we are responsible for, and need to be able to, demonstrate compliance with the above principles (**‘accountability’**).

7. Always be as careful with other people's personal information as you would expect others to be with yours. Good security is good practice and common sense.

8. ABC is also committed to preserving the confidentiality, integrity and availability of our information assets:

- For sound decision making;
- To deliver quality services to our customers;
- To comply with the law;
- To meet the expectations of our customers and citizens;
- To protect our reputation as a professional and trustworthy organisation;
and
- To safeguard against fraudulent activity.

9. This policy therefore also sets out our commitment to information security and provides the guidelines and frameworks for ensuring all forms of information, supporting systems and networks are protected from security threats such as malicious software, unauthorised access, computer misuse, information technology failures, human error and physical security threats. This approach is led by a number of key principles:

- Information is protected against unauthorised access;
- Confidentiality of information is assured;
- Integrity of information is maintained;
- Regulatory and legislative requirements are met;
- Information security training and e-learning is available to all staff and elected members;
- Where appropriate, any serious breaches of information security, actual or suspected, are reported and investigated to see what lessons could be learnt.
- Business requirements for the availability of information and information systems will be met.

The Scope of this Document

10. This policy applies to all ABC employees, partners, contractors, agents and elected members operating on our behalf or on our premises (referred to collectively as **employees** or **you**).

11. In addition elected members as representatives for the residents of their respective wards may act as data controllers in their own right, for example when dealing directly with requests received from constituents. From 1 April 2019, the

Data Protection (Charges and Information) (Amendment) Regulations 2019 exempted the processing of personal data by elected representatives and prospective representatives from the requirement to register as a Data Controller with the supervisory authority. **All other data protection obligations remain.**

12. This policy applies to all personal data and other confidential or sensitive information held by ABC, in whatever form. This includes information stored as follows:
 - Hardcopy documents
 - Electronic information stored on computers, remote servers, mobile devices, tapes, microfilm, CDs, external disks, USB storage devices and any other electronic storage medium; and
 - Verbal information (face to face conversations and over the telephone).
13. The policy sets out ABC's legal responsibilities and how you must act when processing personal and other confidential data to ensure ABC complies with those responsibilities. Everyone at ABC is responsible for making sure that ABC complies with its obligations and this means there are certain steps you must make sure you always take when dealing with personal data.
14. "Personal data" means any information about an identifiable living individual. This includes, for example, an individual's contact details, such as name, address, email address and telephone numbers. It can include information about individual's council tax payments, web browsing history and their opinions and beliefs. Images and call recordings can also be classed as personal data so consideration must be given to this information when reading this policy. In relation to colleagues, personal data includes job role, salary and benefits information and performance reviews.
15. Some information is designated as "special category personal data". This is information that relates to an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. Due to the private nature of special category personal data, heightened data protection obligations apply.
16. As well as personal data, this policy also applies to confidential information handled by ABC. This may include any commercially sensitive information, such as information relating to commercial proposals or current negotiations; information relating to security, investigations and proceedings, and any information provided in confidence.

Key Data Protection requirements

‘Lawfulness, fairness and transparency’

17. We must be clear and open about what we intend to do with individuals’ personal data. Privacy notices are a crucial tool to aid in our data protection compliance, spelling out to the data subject at the point where their personal data is collected, in a concise, transparent and easily accessible form, what they can expect to happen to their data. The following information should be provided to the data subject:

- a. The identity and contact details of the data controller and the data protection officer;
- b. The legal basis relied upon to legally process;
- c. A clear description of the reason the information is collected;
- d. Whether we are going to share it with anyone else;
- e. The period or criteria used to determine such period for which the data will be held;
- f. Any intention to transfer personal data outside the UK or countries with UK adequacy regulations (countries in the EEA and countries, territories or sectors covered by existing EU ‘adequacy decisions);
- g. Information on the individual’s rights. For example, if relying upon consent as the legal basis to process, how this consent can be withdrawn;
- h. The existence of any automated decision making; and
- i. The right to lodge a complaint with the regional supervisory authority (ICO)

18. This information is provided in different ways depending on how people give us their information, for example:

- a. website privacy policies for information collected through online forms;
- b. conversations with people who telephone us; and
- c. hardcopy privacy notices for individuals who do not want to use online forms.

19. We must always have a legal basis for collecting and using personal data; generally the legal basis for processing by us as a public authority will be one of the following:

- a. **Public task:** processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the council;
- b. **Legal obligation:** processing is necessary for compliance with the council’s legal obligation;

- c. **Contract:** processing is necessary for the performance of a contract to which the data subject is party or in order to take steps on their request prior to entering into a contract.

We may also on occasion process personal data relying upon the following circumstances:

- d. **Consent:** where the data subject has given consent to the processing of their personal data for one or more specific purposes;
- e. **Legitimate interests:** where processing is necessary for the purposes of the legitimate interests pursued by us or by a third party. This legal basis is not open to us when performing our statutory tasks; however, where we are operating on a commercial basis, this legal basis may be utilised; and
- f. **Vital interests:** where processing is necessary in order to protect the vital interests of the data subject or of another individual. For example, protecting someone or their property from imminent harm or damage.

20. When special category data is collected, we will also need to ensure a secondary condition is met from within Article 9 of the UK GDPR (processing of special categories of personal data). If in doubt please consult with the [Data Protection Team](#).

21. You should note that it is a criminal offence to knowingly or recklessly obtain or disclose personal data without ABC's consent, for example by using the data used at work for personal use. Employees should not process any personal data unless they are sure that they are authorised to do so; failure to do so may result in liability for non-compliance with data protection legislation for ABC and the individual employees involved.

'Purpose limitation'

22. Personal data should only be used for the purpose for which it was collected. If personal data is to be used for a new purpose not compatible with the previous purpose the data subject should be consulted, provided with an updated privacy notice and, if necessary, any required consent re-gained.

23. The principle of purpose limitation is fundamentally linked with that of the principle of processing personal data fairly, lawfully and transparently and as such the data subject must be provided with a description of the specific purpose for which any collected personal data is to be used. This allows for personal data to be collected in a clear and open manner aiding with our accountability requirements and preventing function creep.

‘Data minimisation’

24. We should only ever collect and process the minimal amount of personal data needed to fulfil the operational needs associated to the purpose of collection or to comply with any legal requirements.
25. Personal data shall only be collected if it is adequate, relevant and strictly limited to what is necessary to fulfil the desired purpose.

‘Accuracy’

26. We must make sure that the personal data we hold is accurate, relevant and up-to-date. This means that:
 - a. We should check personal data is correct when we first receive it. For example, if you take someone’s telephone number, make sure that it has the correct number of digits and read it back to them to check it is correct.
 - b. We should periodically review personal data we hold to make sure it stays up-to-date. For example, if you hold an address on file that has been the same for a number of years, you should check whether the person has now changed addresses.
 - c. If we receive a request to correct inaccurate personal data, and you are sure the request has been made by the related data subject, we should correct it straight away. For example, if someone phones you to tell you the email address you hold for them is incorrect, subject to appropriate identity checks, you should change this immediately on our systems.

‘Retention’

27. We must ensure that we delete or destroy personal data securely when we no longer need it, in accordance with our Data Retention Policy (available on the SmartHub) and in line with the details provided in any privacy notices. Electronic documents and devices should be destroyed by the IT team, and paper documents should be placed in the confidential waste bins.

'Integrity and confidentiality'

28. All managers and staff are responsible for ensuring that personal data is held securely at all times. If we don't keep personal data secure, it can lead to real harm and distress for individuals.
29. When deciding what level of security is appropriate, we need to look at the potential risks arising out of accidental disclosure of the relevant data. This includes thinking about the value, sensitivity and confidentiality of the data involved and the likely harm that could result if we don't handle it properly. For example, information about people's health will require a higher level of security than a list of email addresses.
30. Note that the requirements to keep information secure apply to information both within and outside ABC's premises.
31. As a minimum, you should always take the following steps to make sure that data is kept securely:
- a. Make sure that all systems are password-protected and that only authorised personnel can access the systems. Keep your passwords secure at all times, including your password to your voicemail.
 - b. Make sure that passwords you use to access our systems or devices are "strong" passwords, the councils systems have appropriate password criteria in place to ensure this happens.
 - c. Ensure that only employees who need access to particular personal data to do their jobs can access it. If you think you have access to data that you don't need to speak to your line manager or the [Data Protection Team](#).
 - d. Don't leave devices unattended and make sure that electronic files are inaccessible when left unattended. For example, lock your screen if you leave your desk and don't leave hardcopy files in open view.
 - e. When you use portable devices to store personal data, you must be very careful and make sure devices are always encrypted. Use of portable devices should follow the Bring Your Own Device policy.
 - f. Make sure you safely dispose of records when they are no longer required, in accordance with the sections above headed "Accuracy", "Retention" and our Data Retention Policy.
 - g. Take care when printing or photocopying sensitive or confidential information. Make sure you do not leave printing unattended or leave sensitive documents in the copier.
 - h. If you take equipment, such as laptops, off-site, or away from your remote working location these should always be locked away and kept out of sight when left unattended. Make sure that people off the premises cannot see

confidential information you are dealing with, for example by looking at a laptop screen over your shoulder.

- i. Make sure that you do not discuss any ABC business in public, either face-to-face or on the phone.
- j. Take good care of your keys and access fobs and do not leave these unattended. If you lose keys or access fobs, please inform the [Data Protection team](#) and the Facilities Management team immediately.
- k. Always wipe white boards and remove personal data from notice boards when you have finished using them.
- l. Make sure all doors and windows at ABC's premises are closed outside of business hours. If windows and doors are open during business hours, they should not allow unauthorised access to the building.
- m. If you are in charge of visitors to the building, make sure they are escorted at all times and their access is logged, including times in and out, as per the visitors procedure.
- n. Always lock away hardcopy files in locked cupboards when you are not using them.

Individuals' rights

32. Individuals have a number of rights under data protection law. ABC must comply with those rights.

33. In particular, individuals have a legal right to receive a copy of their personal data (known as "subject access rights"). If someone requests a copy of their personal data, we must respond within one calendar month.

34. Please note that opinions about someone constitute their personal data so everyone has a right to see recorded opinions about themselves, subject to exemption. Bear this in mind if you are ever recording opinions about another individual. Opinions recorded on a file must be carefully and professionally expressed to avoid causing embarrassment to ABC if a subject access request is made for that data.

35. The complete list of individual's rights are as follows:

- a. the right to be informed;
- b. the right of access;
- c. the right to rectification;
- d. the right to erase;
- e. the right to restrict processing;
- f. the right to data portability;
- g. the right to object; and

- h. rights in relation to automated decision making and profiling.

The councils [individual rights policy](#) provide a detailed explanation of what each of these rights involves so that all employees are able to recognise these rights if an individual seeks to exercise them. The policy also explains the timeframes for responding to requests and the consequences if we fail to respond as we should.

Sharing personal data

- 36. We recognise the need to share personal and sensitive data with other partner organisations in order to safeguard the vulnerable and provide effective and efficient services.
- 37. If you need to share personal data with a third party for any reason, you must always comply with our [Data Sharing Protocol](#).
- 38. We are signatories to the Kent & Medway Information Sharing Agreement which provides a framework to enable a number of organisations and public bodies across Kent and Medway to share personal information in line with agreed data sharing protocols.
- 39. When we collect personal data from individuals, we must be clear and open about whether we are going to share that data with third parties. If we are going to share personal data with third parties, we must explain why we need to do this.
- 40. We are sometimes asked to share personal data with the police, regulators, banks and other local or central government bodies for the purposes of crime prevention and detection, fraud investigations, the collection of a tax and to verify information relating to credit and job applications. Although exemptions to the DPA18 and UK GDPR may apply we must avoid taking a blanket approach and assess each request on its individual merit.
- 41. We cannot send personal information, or allow people to access personal information, outside the UK or countries with UK adequacy regulations (countries in the EEA and countries, territories or sectors covered by existing EU 'adequacy decisions), unless certain contractual requirements or information security conditions are met. If you are working on a project that might involve sending personal information outside the UK and if you are unsure about whether you have met these conditions, you must refer to the [Data Protection team](#).
- 42. Please also note that requests for information may fall within the Freedom of Information Act and/or the Environmental Information Regulations. Please see

the Freedom of Information page on the SmrtHub for details on how to deal with these requests.

Data processors

43. When we pass personal data to third party suppliers who use the data to provide services to us, they will be a “data processor” on our behalf. We must ensure that they have adequate measures in place to keep personal data secure and we must ensure that a written contract is in place with the supplier.

44. Any data processor will need to agree to process data only in accordance with data protection laws and, in particular, on the following conditions, which must be included in a written contract (Article 28 UK GDPR):

- a. the Processor shall only process the Data (i) on the written instructions from Ashford Borough Council (ii) only process the Data for completing the Services and (iii) only process the Data in the UK or countries with UK adequacy regulations (countries in the EEA and countries, territories or sectors covered by existing EU ‘adequacy decisions’);
- b. ensure that all employees and other representatives accessing the Data are (i) aware of the terms of the Agreement and (ii) have received comprehensive training on Data Protection Laws and related good practice, and (iii) are bound by a commitment of confidentiality;
- c. Ashford Borough Council and the Processor have agreed to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, complying with Article 32 of UK GDPR;
- d. the Processor shall not involve any third party in the processing of the Data without the consent of Ashford Borough Council. Such consent may be withheld without reason. If consent is given a further processing agreement will be required;
- e. taking into account the nature of the processing, assist Ashford Borough Council by taking appropriate technical and organisational measures, in so far as this is possible, for the fulfilment of Ashford Borough Council’s obligation to respond to requests from individuals exercising their rights – rights to erasure, rectification, access, restriction, portability, object and right not to be subject to automated decision making, etc;
- f. assist Ashford Borough Council in ensuring compliance with the obligations pursuant to Articles 32 to 36 of UK GDPR – security, notification of data breaches, communication of data breaches to individuals, data protection impact assessments and when necessary consultation with the ICO, etc. taking into account the nature of processing and the information available to the Processor;

- g. at Ashford Borough Council's choice safely delete or return the Data at any time. Where the Processor is to delete the Data, deletion shall include destruction of all existing copies, unless there is a legal requirement to retain the Data; and
- h. make immediately available to Ashford Borough Council all information necessary to demonstrate compliance with the obligations laid down under any processing agreement and allow for, and contribute to, any audits, inspections or other verification exercises required by Ashford Borough Council from time to time.

Records of processing activities

45. ABC, as a data controller, shall maintain a record of processing activities under its responsibility. This record must contain:

- a. Our name and corporate contact details, together with the contact details of our Data Protection Officer;
- b. The purposes of processing the personal data;
- c. A description of the categories of data subjects and of the categories of personal data;
- d. The categories of recipients to whom the personal data have been or will be disclosed including, where applicable, recipients in third countries or international organisations;
- e. Details of suitable safeguards if the data is transferred outside the UK or countries with UK adequacy regulations (countries in the EEA and countries, territories or sectors covered by existing EU 'adequacy decisions');
- f. Via our Records Retention Schedules the envisaged time limits for erasure of the different categories of data; and
- g. A general description of the technical and organisational security measures in place to protect this data – it should be noted that access for security reasons to such data will be extremely limited.

46. These details may be requested by the ICO at any time and as such will require regular updating to maintain an accurate representation of our processing activities.

47. These records will be the responsibility of the respective Head of Service as IAO for each service to ensure they are maintained. These records will be scrutinised by the data protection team and Information Governance group periodically and/or when required.

Data Protection Impact Assessments

48. Data Protection Impact Assessments (DPIAs) are tools which can help identify the most effective way to comply with our data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow ABC to identify and fix problems at an early stage, reducing the associated costs and damage to reputation which might otherwise occur. DPIAs are an integral part of taking a 'privacy by design' approach, and are a legal requirement whenever a 'process is likely to result in a high risk to the rights and freedoms of natural persons'. See our [DPIA template](#) or contact the [Data Protection team](#) for more information.

Use of email, instant messaging and social media

49. Email is an essential tool for conducting day to day business. However, sending information by email presents certain security risks. For example, emails can be intercepted or accidentally sent to the wrong recipient. Incoming emails may contain links that are used to hack our systems through phishing attacks or similar.

50. Sending an email to the wrong person or to an out of date email address can have serious consequences, so it is important to always check before you send that the email is addressed to the correct individuals and that the addresses are current. The 'external recipients mailtip' is turned on by default and will show a warning at the top of any message should an external email address be inserted. However if you regularly email sensitive or confidential data (especially to people outside the Council), you should also consider whether or not to turn off the auto-complete function in Outlook.

51. An email address can be classified as personal information and as such the same care should be taken with it as with any other personal information. This includes not sharing it with unauthorised individuals, so it is essential to **use the Blind Carbon Copy (BCC) feature when sending** email messages to multiple external recipients especially where those recipients do not know one another. When you place email addresses in the **BCC** field of a message, those addresses are invisible to the recipients of the email and thus any personal information contained within the email address is protected.

52. All emails that are used to conduct or support official ABC business should be sent using an "@ashford.gov.uk" address. You must not use non-work email accounts to conduct, support or discuss official ABC business.

53. You must not open attachments or click on hyperlinks within e-mails from unknown sources. If an email looks suspicious, please inform the [Data Protection](#) team and forward the email to the IT team.
54. ABC's official disclaimer along with a link to its privacy notice is automatically added to all emails sent to external addresses – this is an important security feature and should not be altered.
55. When forwarding or replying to a message, consider the chain of messages that precede it and whether these need to be sent on. Generally, you should make sure that you do not send personal or confidential data by email unless you need to or have been authorised to do so.
56. Emails that contain personal or confidential data, particularly sensitive data, should be password-protected or encrypted. If you are sending attachments containing confidential data, the attachments should be password-protected and the password sent in a separate email.
57. It is equally important not to divulge sensitive or confidential information through other electronic media – namely instant messaging and social media platforms. Details of the specific considerations to be made regarding social media can be found in ABC's social media policy.

Home and off-site working

58. When working from home or remotely from other locations, you must take the steps set out in this section as a minimum to protect personal and confidential data whilst off-site.
 - a. All remote working must be carried out in compliance with ABC's remote working and portable device guidance, health and safety policy and conditions of service and must be authorised by your line manager.
 - b. Any laptop or other device that is taken off ABC premises must be encrypted and allocated to the user.
 - c. All necessary precautions must be taken to ensure the security of hardcopy documents that are taken off ABC premises. For example, you must make sure that you do not leave hardcopy documents in open view when off-site.
 - d. You must make sure you only use personal data you take off-site for official ABC business. Do not take any personal data off-site without authorisation from your line manager.
 - e. If you need to dispose of personal data when off-site, you must shred hardcopy information and must contact the IT team to dispose of any IT equipment or electronic files. If you cannot securely dispose of files,

information or equipment at your remote working place, you must take the information securely to ABC's premises to destroy them.

Systems and software

59. It is important that all of our IT systems and software are as secure as possible and are used appropriately to ensure personal data stored in those systems and software is protected.
60. All information processing systems which are to be used for storing and processing ABC information must be formally authorised by the IT department. You must not install any software on any ABC computers or devices which has not been authorised. Information asset owners are responsible for ensuring new systems have the necessary validation checks and audit trails and also for ensuring user acceptance testing is carried out. Depending on the scope of any new software it may be necessary to carry out a [Data Protection Impact assessment](#).
61. ABC's IT team will have overall responsibility for keeping the authority's anti-virus and other security software up to date. If any software on your computer or any other device is out-of-date, please make sure that you contact IT so this can be updated.
62. User access to systems must be adequately controlled using appropriate access rights and protected by passwords in line with the system specific password criteria. User access rights must be regularly reviewed to ensure they are still appropriate. If you think yours or someone else's access rights need updating please notify the [Data Protection team](#) and the IT team.
63. Users must not attempt to access systems or records within systems which they have not been formally authorised to access.
64. Users must not, and must not attempt to, bypass, disable or subvert system security controls.
65. Computer systems and software must only be used for purposes for which they are designated.
66. Only IT approved and encrypted USB memory devices should be used ensuring that any personal data that may be present is encrypted during transport. Before any new memory device is plugged into any ABC system it is essential it is scanned for threats by the IT team.

67. Software must only be used in compliance with the terms of any contractual or licence agreements.
68. ABC will have sole ownership and copyright of all programs and data it has developed, unless there is a contrary prior written agreement.
69. Deliberate unauthorised access to, copy, alteration or interference with computer programs or data is strictly forbidden.
70. All employees with IT access must undergo ABC's data protection e-learning module and complete the refresher package at least every two years. Managers will ensure this is part of a new employee's induction.
71. Managers must ensure that when any employee leaves ABC, all ABC equipment (including their ID card) is returned. IT Service Desk must be informed of all leavers immediately to ensure network access is revoked.
72. All users must be aware that the network is monitored. IT Service Desk will monitor day to day access to ensure adequate protection against security threats, and where necessary, will collect evidence of misuse and unauthorised activity.

Breaches and penalties

73. Despite everyone's best efforts, issues may sometimes arise. For example, we may lose personal data accidentally; someone may steal personal data or attack our systems; or our IT equipment may fail and result in data being lost or accessed by a third party.
74. If there is a security breach, we need to act quickly and appropriately to manage the breach and limit the effects and damage it causes. Where a breach poses a risk to the rights or freedoms of individuals we are obligated to report this to the ICO. Furthermore this reporting must happen within 72hrs of discovery.
75. Even if the decision is taken by the Data Protection team not to report, all breaches should be logged internally, investigated, and any required remedial actions taken. Learning from previous breaches aids with the prevention of future breaches and as such learning points must be circulated.
76. Any security breach, either actual or suspected, must be escalated immediately as set out in the [Data Security Breach Management Policy](#).
77. The consequences of a security breach can be severe. They can include:

- a. Real harm and distress for the individuals involved.
- b. Reputational consequences for ABC and a loss of public trust in ABC.
- c. Legal enforcement action being taken by the ICO.
- d. Compensation claims being made by individuals.

78. It is therefore essential that in the event of a breach you follow the steps found within the [Data Security Breach Management Policy](#).

Relevant roles and responsibilities

79. Everyone at ABC is responsible for ensuring they comply with this policy and with all other data protection and security policies. There are some specific roles it may be useful for you to be aware of, as follows:

- a. The Chief Executive for ABC is ultimately responsible for ensuring that all information is appropriately protected and that data protection law is adhered to.
- b. The Data Protection Officer (DPO) is responsible for data protection issues and setting standards and procedures in relation to data protection laws. The DPO also acts as a liaison with other partner organisations and with the ICO if necessary. The DPO is required to act and advise independently. The DPO for ABC is the Head Of Policy and Performance.
- c. The Senior Information Risk Owner (SIRO) a designated member of the Directorate with overall responsibility for an organisation's information risk policy. The SIRO is accountable and responsible for information risk across the organisation. The SIRO for ABC is the Monitoring Officer.
- d. Service Heads, as the most senior/responsible individuals within each service, are required to take on the role of Information Asset Owners (IAOs). Their role is to understand what information is held, what is added and what is removed, how information is moved, and who has access and why to data within their respective service. As a result they are able to understand and address risks to this information, and ensure it is only processed in line with data protection law.
- e. The [Data Protection team](#), who can be consulted if you need support or have questions regarding data protection and information security.

Ensuring Compliance

80. The Data Protection team and senior employees may be responsible for ensuring data protection compliance across their Services. Those employees should act in accordance with the [Compliance Monitoring Protocol](#) and should escalate any queries to the [Data Protection team](#).

81. All employees must undergo data protection training as part of their inductions and once every two years thereafter. If you have not received data protection training, please inform your line manager.
82. If you are responsible for managing the relationship and/or contract with a third party or contractor operating on ABC's behalf, you must make sure that those third parties or contractors are aware of this policy and of their obligations around data protection. You must also periodically check that they are complying with those obligations, for example through periodic audits.
83. ABC has an internal officer lead Information Governance Group who with the aid of the [Data Protection team](#) will monitor compliance with this policy.

Other documents

84. Please also take note of ABC's other data protection documents which will help you comply with the policy. These include:
- a. [Individual Rights Policy](#)
 - b. [Data Security Breach Management Policy](#)
 - c. [Data Protection Impact Assessment Template](#)
 - d. [Data Sharing Protocol](#)
 - e. [Data Protection Compliance Monitoring](#)

Questions

85. If you have any questions about this policy, any of the other policies listed above or your data protection obligations, please contact the [Data Protection team](#).

Review of this policy

86. This policy, data protection arrangements and guidance will be reviewed every two years, unless there is a major change to the underlying regulations.

Ashford Borough Council

Individuals Rights Policy

1 Introduction

- 1.1 Under data protection legislation individuals have a number of rights in relation to their personal data. This policy provides an overview of individuals' rights and explains the procedures which Ashford Borough Council (referred to in this policy as, **Ashford, we, us, or our**) requires all employees and contractors (referred to in this policy collectively as **employees or you**) and councillors to comply with if an individual makes a request to exercise their data protection rights.
- 1.2 If you have any questions about this policy, please raise them with the data protection Team, at the following contact details:

Email: FOI@ashford.gov.uk

Address: Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

2 What rights do individuals have under data protection law?

- 2.1 Under the UK General Data Protection Regulation (**UK GDPR**) individuals have the following rights:
- the right to be informed;
 - the right of access;
 - the right to rectification;
 - the right to erase;
 - the right to restrict processing;
 - the right to data portability;
 - the right to object;
 - rights in relation to automated decision making and profiling.
- 2.2 The sections below provide a detailed explanation of what each of these rights involves so that all employees are able to recognise these rights if an individual seeks to exercise them. The policy also explains the timeframes for responding to requests and the consequences if we fail to respond as we should.

3 The right to be informed

- 3.1 Individuals have a right to be informed about how we will use and share their personal data. This explanation must be provided to individuals in a concise, transparent, intelligible and easily accessible format. Privacy notices must be written in clear and plain language and must be provided free of charge.

- 3.2 We must ensure that we provide privacy notices to individuals at the point where we collect personal data from them if we are collecting personal data directly. If we obtain personal data from a third party then the information must be provided to individuals within one month or, if earlier, at the point of first contact with the individual or before personal data is disclosed to a third party.
- 3.3 The UK GDPR sets out a list of specified information that must be provided to individuals in privacy notices. We must therefore ensure that all privacy notices contain this mandatory information.
- 3.4 We satisfy this requirement by ensuring that appropriate privacy notices are included at all data collection points.
- 3.5 We have the following privacy notices that address our personal data use:
- employee privacy notice;
 - recruitment privacy notice;
 - public facing privacy notice which is published on our website and addresses the use of personal data by us in the majority of our service lines;
 - task specific privacy notices.

4 Right of access – Known as a Subject Access Request

- 4.1 Under the right of access, individuals have a right to:
- obtain confirmation of whether we are processing their personal data;
 - access their personal data; and
 - information regarding how their personal data is being used by us.
- 4.2 The purpose of the right of access is to allow individuals to access their personal data so they are aware of and can verify the lawfulness of the processing carried out by us.
- 4.3 When an access request is received we must provide a copy of all personal data to the individual unless an exemption applies. There are a number of exemptions that may apply. This includes personal data that is subject to legal privilege and personal data that relates to third parties, which must be redacted so as not to breach the third parties data protection rights. This also applies where CCTV footage and call recordings include third parties, which may not be shared unless we have the necessary consents from the third parties.
- 4.4 A reasonable and proportionate search must be carried out to locate all relevant personal data and then a review of all documentation will need to be completed before sending relevant information to the individual.
- 4.5 We must respond to a request to exercise the right to access **within one month** of receiving the request in writing. Whilst we can ask a data subject to [complete](#)

[a form](#) or clarify any specific information in order to assist us in responding to the request, we cannot make our response conditional on receiving the request in a prescribed form, nor can we delay a response until this is received.

- 4.6 If a request for access is received you must contact the [Data Protection Team](#) immediately.

5 Right to rectification

- 5.1 Individuals have a right to have any inaccurate or incomplete personal data rectified.
- 5.2 If we have disclosed the relevant personal data to any third parties we are also responsible for taking reasonable steps to inform those third parties of the rectification where possible.
- 5.3 We have an obligation to ensure that the personal data we hold is accurate, so we should still verify that the request for rectification is valid and accurate, for example we should request to see reasonable evidence of any change, if appropriate.
- 5.4 If we dispute that the personal data is inaccurate then it will be necessary to go back to the individual and explain why the personal data is not being rectified. Individuals should also be informed at this point that they have a right to complain to the Information Commissioner's Office if they do not agree with this decision.
- 5.5 If you receive a rectification request and you are concerned it goes beyond a business as usual request or are unable to confirm the identity of the individual making the request you must contact the [Data Protection Team](#) immediately.

6 Right to erasure

- 6.1 Individuals have a right to request that certain personal data held by us is erased. This is also known as the "right to be forgotten". **This is not a blanket right** to require all personal data to be deleted. Rather the right will be triggered in the following circumstances:
- if we are continuing to process personal data beyond the period when it is necessary to do so for the purpose for which it was originally collected
 - if we are relying on consent as the legal basis for processing and the individual withdraws their consent (usually this is not the case for our processing but is relevant for some activities);
 - if we are relying on legitimate interest as the legal basis for processing and the individual objects to this processing and there is no overriding compelling ground which enables us to continue with the processing. *Please note that as a local authority, the circumstances in which we would be relying on the legitimate interest grounds for processing are restricted as legitimate interests may not*

be relied upon when we are acting in the performance of our public function and tasks;

- if the personal data has been processed unlawfully (i.e. in breach of the requirements of the UK GDPR or DPA 18); or
- if it is necessary to delete the personal data to comply with a legal obligation.

6.2 There are some exemptions to the right to erasure so even if one of the triggers above is met it may not be necessary to erase the relevant personal data. If information is required to exercise or defend legal claims then it is not necessary to delete the personal data. We are also permitted to retain personal data where there is a public interest task which requires the personal data to continue to be processed.

6.3 If you receive a request to erase personal data you must contact the [Data Protection Team](#) immediately.

7 Right to restrict processing

7.1 Individuals have a right to block the processing of their personal data in certain circumstances. This right arises in the following circumstances:

- If an individual disputes the accuracy of personal data then processing of that personal data should be restricted whilst we are verifying the accuracy of the personal data.
- If an individual has raised an objection to processing then processing should be restricted while we consider whether the objection should be upheld.
- If processing of personal data is unlawful and the individual opposes erasure and requests restriction instead.
- If the personal data is no longer required by us but the individual requires the personal data to be retained to establish, exercise or defend a legal claim.

7.2 If a request to restrict processing is made then it will be necessary for us to determine whether the request should be upheld and whether procedures need to be put in place to restrict use of the relevant personal data. If the request to restrict processing is not upheld then the individual needs to be notified of the reasons for this.

7.3 If you receive a request to restrict processing and you are concerned it goes beyond a business as usual request or are unable to confirm the identity of the individual making the request you must contact the [Data Protection team](#) immediately.

8 Right to data portability

- 8.1 In certain circumstances individuals can request to receive a copy of their personal data in a commonly used electronic format. This right only applies to personal data that individuals have provided to us (for example by completing a form or providing personal data through a website), or personal data that has been gathered by monitoring their behaviour. However, any analysis done by us in relation to an individual would not constitute personal data that they have provided to us and therefore is not subject to the right of data portability.
- 8.2 The right to data portability only applies if the processing that we are carrying out is based on the individual's consent or if the personal data must be processed for the performance of a contract. In addition, the right only applies in relation to data processing that is carried out by automated means (i.e. electronically).
- 8.3 In order to provide the personal data in response to a portability request the personal data must be provided in a commonly used and machine readable form.
- 8.4 The individual also has a right to request that the personal data is transferred directly to another organisation. If this is technically feasible then we must comply with such a request.
- 8.5 If you receive a data portability and you are concerned it goes beyond a business as usual request or are unable to confirm the identity of the individual making the request you must contact the [Data Protection Team](#) immediately.

9 Right to object

- 9.1 Individuals have a right to object to data processing being carried out by us in the following circumstances:
- If we are processing personal data based on legitimate interests or for the performance of a task in the public interest (including profiling).
 - If we are using personal data for direct marketing purposes.
 - If personal data is being processed for scientific or historical research or statistical purposes.
- 9.2 If an objection is raised in relation to personal data that is being processed on a legitimate interest or public interest ground then a balancing test must be carried out to consider whether there are any compelling legitimate grounds which enables us to continue processing the personal data. In each case the outcome of this decision and the reasons for it must be documented.
- 9.3 If an objection is raised in relation to direct marketing then the objection must be upheld and no balancing test will be carried out.
- 9.4 Individuals must be informed that they have a right to object at the point of data collection and the right to object must be explicitly brought to the attention of the individual and be presented clearly and separately from any other information.

9.5 If you receive an objection to marketing you must ensure that the relevant individual is flagged as an "opt-out" on all relevant databases immediately. If you receive an objection to other data processing activities and you are concerned it goes beyond a business as usual request or are unable to confirm the identity of the individual making the request you must contact the [Data Protection Team](#) immediately.

10 Rights related to automated decision making

10.1 Individuals have a right not to be subject to a decision which is based on automated processing where the decision will produce a legal effect or a similarly significant effect on the individual. Such decisions would include a decision whether to enter into a contract with an individual, decisions in relation to whether credit will be extended to an individual and decisions to cut off a supply.

10.2 There are exemptions from this right if the decision is necessary to enter into or perform a contract with the individual, is authorised by law or is based on explicit consent.

10.3 If one of these exemptions applies then it is still necessary to inform the individual of the automated decision making and provide them with an opportunity to object and request manual intervention.

10.4 If any automated decisions are being made then it will be necessary for us to analyse whether the decision has a legal effect or a similarly significant effect.

10.5 Where automated decisions are being made if a request for manual intervention is received, and you are concerned it goes beyond a business as usual request or are unable to confirm the identity of the individual making the request you must contact the [Data Protection Team](#) immediately.

11 Receiving and recognising requests

11.1 It is very important that all Ashford employees, contractors and councillors are aware of how to recognise a data subject request so that Ashford can comply with its obligations under the legislation.

11.2 There is no requirement for a request to be in a particular format, nor for it to be sent to any particular person within an organisation. Ashford do have an [online form](#) that we direct people to complete via the website, but if we receive a separate request, we cannot refuse to respond on the basis that the form has not been completed.

11.3 A request does not have to state that it is a request, reference any data protection legislation or even refer to "personal data" in order to be valid.

11.4 If you are unsure about whether correspondence you have received is a request relating to the personal data of a data subject, please contact [The Data Protection Team](#) immediately so that it can be reviewed.

12 What to do if you receive a request

- 12.1 If you receive a request, or a communication which you think might be related to the individual rights of a data subject, you should forward this to the [Data Protection Team](#) immediately together with any information you know about the background to the request.
- 12.2 If you receive a telephone request for information about an individual, you should:
- take steps to verify the individual's identity on the phone and not disclose any personal data about the individual unless you are sure of the caller's identity;
 - refer the call to your line manager if you are not sure how to deal with the request.
- 12.3 We are also entitled to ask for any further information that we require to enable us to respond to the request. For example, if it is not clear from the individual's request whether he or she is requesting all information held or only some specific information. This can help us to narrow down the request (although we can't use this to restrict the scope if the data subject doesn't want to).

13 Verification of identity prior to taking any action in relation to a request

- 13.1 We must be satisfied that the individual making the request is in fact the individual about whom the personal data relates. If we have an ongoing relationship with the individual and have no reason to doubt the validity of a request then there is no need to take further steps. For example, if an employee or contractor makes a request using their known employment email address then no further steps to verify identity would be required. However, if a customer made a request and asked for personal data to be sent to an address that was not known to us then additional steps should be taken to verify the identity of the individuals.
- 13.2 Ashford may require a certified copy of the individual's photographic ID (such as a passport or driving licence) and in certain circumstances may require further identification, for example if:
- a request is being made by a third party on behalf of the data subject (see section 14 below);
 - the request is made by someone whose name or details we do not recognise; or
 - contact details provided in the request do not match the contact details we hold on file for the data subject.

14 Third party requests

- 14.1 Sometimes data subjects will ask a third party, such as a solicitor, family member or friend, to make a request on their behalf. There are certain steps

that we should take to make sure that we can disclose the relevant information to the third party.

- We may need to request further identification documents from the individual in this situation to ensure that we are confident that the individual requesting the third party to act on his/her behalf is the data subject.
- We will need to make sure we have a document authorising us to send the data subject's personal data to the third party, for example a power of attorney or letter of authority. We may also require this if two or more data subjects make a joint request.

15 Can we charge a fee?

- 15.1 In most cases it is not possible for us to charge a fee to comply with requests made by individuals. However, if any request is manifestly unfounded or excessive, in particular it is a repeat request, then we may charge a reasonable fee taking into account the administrative costs of providing the information or taking the action required. Alternatively in these circumstances we may refuse to act on the request. In each case we will have to be able to demonstrate that the request is manifestly unfounded or excessive and must document the reasons for this decision. This exemption may only be relied on in exceptional circumstances and if you wish to refuse a request on these grounds the decision should be escalated to the [Data Protection Team](#) to be authorised.

16 Time frames for responding to requests

- 16.1 In relation to the right to be informed, information must be provided at the point of data collection where personal data is collected directly from an individual. Where personal data is collected from a third party then information must be provided within one month at the latest.
- 16.2 In relation to all other rights we must respond without undue delay and in any event within one month. In exceptional cases this one month period may be extended by two further months if the request is particularly complex and involves a large number of requests. If we wish to make use of this extension then the individual must be informed within the initial one month period and the reasons for the delay must be explained. The ability to extend the one month period is only likely to arise in exceptional cases. If you wish to extend the period for responding to a request you must consult with the [Data Protection Team](#).

17 Sending responses to requests

- 17.1 It is important to remember that responses to individual rights requests will likely contain within them personal data, often sensitive personal data. As such responses must be sent with consideration given to appropriate protection. This could include sending response by 'signed for' mail to pre-approved addresses

or password protecting content sent by emails, utilising a password that would already be known to the requester.

18 What happens if we fail to comply with a request?

18.1 Failure to comply with individuals requests under the UK GDPR are considered to be serious breaches of an individual's rights. Such breaches can in the most extreme cases attract the maximum possible fine under the UK GDPR regime. Failure to comply could also have an adverse effect on the individual. It is therefore important that all requests are recognised and are acted on promptly to enable us to respond to requests correctly and within the one month time frame.

19 Making a request

19.1 If you would like to make a request relating to your personal data, please send your written request to the [Data Protection Team](#) or complete our [online form](#).

20 Policy updates

20.1 We will review this policy periodically and will make any updates deemed necessary. You will be required to comply with any updates made as from the date the updated policy is made available to employees.

20.2 This policy is dated [December 2022].

Ashford Borough Council
Data Security Breach Management Policy

1 Introduction

- 1.1 If a data security breach occurs this can have serious implications for Ashford Borough Council (referred to in this Policy as **Ashford, we, us or our**) and any individuals whose Personal Data may have been lost or accessed in an unauthorised manner.
- 1.2 This Data Security Breach Management Policy (**Policy**) explains the procedure that you should follow as soon as you become aware of a data security breach.
- 1.3 This Policy will help us ensure that the consequences of data security breaches are managed as quickly and effectively as possible and ensure compliance with our legal obligations, which may involve reporting data security breaches to the Information Commissioner and/or to affected individuals.
- 1.4 This Policy sets out the procedure which all Ashford employees and contractors (referred to in the remainder of this Policy collectively as **employees**) and all councillors must comply with if they become aware of a data security breach.
- 1.5 If you have any questions about this Policy, please raise them with the Data Protection team, at any of the contact details below:

Email: FOI@ashford.gov.uk

Address: Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL

2 What is a data security breach?

- 2.1 A data security breach occurs if there is breach of security that leads to:
 - 2.1.1 the accidental or unlawful destruction, loss or alteration of Personal Data; or
 - 2.1.2 any unauthorised disclosure of or access to Personal Data.
- 2.2 For the purposes of this Policy, **Personal Data** includes information that is confidential to Ashford such as draft reports and legal advice and all personal information.
- 2.3 **Personal Data** includes any information about a colleague, a tenant, a member of the public or any other individual, including name, address, telephone number, bank details, health records and personnel records.
- 2.4 Examples of data security breaches include:
 - 2.4.1 loss or theft of Personal Data or equipment on which Personal Data is stored;
 - 2.4.2 inappropriate access or security controls allowing unauthorised use;

- 2.4.3 equipment or technical failure leading to loss of or corruption of Personal Data;
 - 2.4.4 human error, for example sending an email to an incorrect recipient or forgetting to use the 'BCC' field instead of the 'CC' field;
 - 2.4.5 hacking attack; or
 - 2.4.6 "Blagging" offences where Personal Data is obtained by deceiving the organisation who holds it into believing the person requesting the information is entitled to access to the Personal Data.
- 2.5 A personal data breach can have serious consequences for the individuals concerned such as identity theft and fraud and it is important that each and every one of us takes responsibility for any potential, suspected, threatened or actual security breaches.

3 What do you do if there is a data security breach?

- 3.1 You must report **immediately** any potential, suspected, threatened or actual security breach to the [Data Protection Team](#) , who will ascertain the nature and severity of the breach.
- 3.2 You can use our Data Breach Reporting Form to report the breach. The Data Breach Reporting Form is available [here](#). Please make sure you complete as much detail as possible before submitting the form to the Data Protection Team.
- 3.3 Your report should include the following details:
 - 3.3.1 your name, job title and telephone and email contact details;
 - 3.3.2 a description of what has happened;
 - 3.3.3 when the breach occurred;
 - 3.3.4 the volume of Personal Data involved and number of individuals affected;
 - 3.3.5 the type(s) of data involved, including Personal Data and which individuals this affects;
 - 3.3.6 status of the security breach, i.e. (i) potential (ii) suspected (iii) threatened (iv) actual (and if actual, has this been isolated (and how) or is it ongoing?);
 - 3.3.7 whether the data security breach relates to a supplier arrangement and, if so, from where the security breach originated (i.e. from us or the supplier);
 - 3.3.8 who is aware of the breach;
 - 3.3.9 what actions have been taken to address the breach and have these mitigated any adverse effects;

3.3.10 any impacts caused as a result of the breach; and

3.3.11 any other relevant information.

4 Breach management procedure

4.1 The Data Protection Team will be responsible for co-ordinating the response to data security breaches with, where necessary, the support of the Breach Management Team. The Breach Management Team will vary depending upon the breach but may include representatives from the effected service as well as other services including Finance; HR, Communications, IT ; Legal; Policy and Performance; Customer Services; and the councils Management Team.

4.2 The Breach Management Team shall:

4.2.1 investigate the reported breach to establish the scale and nature of the breach;

4.2.2 consider what can be done to recover the loss of Personal Data;

4.2.3 identify the safeguards in place, or to be put in place, to protect the misuse of the Personal Data;

4.2.4 identify any relevant departments to assist and if appropriate, any third parties, such as banks, websites, insurers, police or credit card companies to prevent fraudulent use of Personal Data;

4.2.5 if the data security breach relates to supplier agreement, liaise with the relevant supplier in accordance with the terms of the relevant agreement;

4.2.6 by establishing the cause, determine whether any further actions can be taken to contain the breach e.g. taking systems offline, changing access codes, finding lost equipment etc.;

4.2.7 where the breach relates to unauthorised access or disclosure, determine the value of the Personal Data to the third party in receipt; and

4.2.8 take all necessary steps to mitigate the effects of the Personal Data breach.

4.3 The Data Protection Team will act as a contact point for the council and the affected individuals, and lead the co-ordination of remedial action.

5 Breach reporting

5.1 In some circumstances it will be necessary to report data security breaches involving Personal Data, to the Information Commissioner. It may also be necessary to notify individuals of a data security breach if the personal data is particularly sensitive or if individuals need to take steps to protect themselves against potential misuse of their Personal Data.

- 5.2 The Data Protection Team shall be responsible for determining whether a data security breach needs to be reported to regulators, including but not limited to, the Information Commissioner or whether affected individuals need to be notified.
- 5.3 In order to evaluate whether a data security breach needs to be reported to the Information Commissioner or whether individuals need to be notified of the breach, the Data Protection Team shall take account of all relevant regulatory guidance and shall evaluate the likely risk to individuals. The Data Protection Team should consider factors including the number of individuals affected, the nature of the Personal Data affected, including whether special categories of personal data were affected and the volume of Personal Data affected. When carrying out this evaluation consideration should be given to any risks of:
- 5.3.1 identity theft or fraud;
 - 5.3.2 financial loss;
 - 5.3.3 reputation damage;
 - 5.3.4 loss of confidentiality protected by professional secrecy; or
 - 5.3.5 any significant economic or social disadvantage to the individual(s) concerned.
- 5.4 If a data security breach involves Personal Data that is being processed by Ashford on behalf of a third party, details of the data security breach may need to be notified to that third party. The Data Protection Team shall be responsible for determining which data security breaches need to be notified to third parties.
- 5.5 Where we conclude that a data security breach needs to be reported to the Information Commissioner, the notification shall include the following:
- 5.5.1 a description of the nature of the data security breach including the categories and approximate number of data subjects and personal data records concerned;
 - 5.5.2 details including the name and contact details of the point of contact where more information can be collected;
 - 5.5.3 a description of the likely consequences of the data security breach; and
 - 5.5.4 a description of the steps taken or proposed to be taken to address the data security breach and to mitigate any potential risks.
- 5.6 If we conclude that it is necessary to communicate the data security breach to the affected individuals, we will contact the individuals as soon as practicable. The notification will include the information noted above at 5.5.2-5.5.4 and provide individuals with advice on the steps that they can take to protect their position (if applicable).
- 5.7 Please note that should the Data Protection Team determine that it is necessary to notify the Information Commissioner of the data security breach, **the**

notification must take place within 72 hours of anyone within Ashford becoming aware of the breach. Therefore, it is imperative that you follow through the process in the policy **immediately**.

6 Post breach review

6.1 After the event of a data security breach and depending upon the severity of the incident the Data Protection Team and Breach Management Team shall evaluate the data security breach and the response to the breach and may prepare a report for the councils Management Team . The report shall:

6.1.1 summarise the data security breach event;

6.1.2 outline the steps taken in accordance with this Policy;

6.1.3 describe the effects of the data security breach;

6.1.4 detail the measures taken by the business to prevent similar breaches happening again; and

6.1.5 set out recommendation for any additional preventative steps that can be taken, including measures to improve the breach management response.

6.2 The Management Team shall consider the content of the post breach report and shall determine what (if any) additional steps should be taken.

6.3 Additionally all data security issues are summarised within the 6 monthly Data Protection update presented to Management Team allowing for any learning to be communicated.

7 Data security breach log

7.1 The Data Protection Team shall record details of all reported data security breaches in a data security breach log. The log must include details of the nature of the data security breach, an assessment of the severity of the breach and the potential impact on individuals, whether the breach has been reported to the regulators (and if not, the reasons why it is not necessary to report to the regulators) and the current status of the breach.

8 Policy updates

8.1 We will review this Policy periodically and will make any updates it deems necessary. You will be required to comply with any updates made as from the date the updated Policy is made available to employees. We will let you know if and when any updates are made.

8.2 This Policy was last updated on December 2022.

**Ashford Borough Council
Data Security Breach Reporting Form**

Please complete this form with as much information as possible, although some questions may not be relevant depending on the particular breach.

Please return the completed form to the [Data Protection team](#)

1. Details of the breach

- (a) Describe the incident in as much detail as possible
- (b) Is the incident (i) potential, (ii) suspected, (iii) threatened, or (iv) actual? If the breach is actual, has it been stopped or is it ongoing?
- (c) How did you become aware of the breach?
- (d) When did the incident happen?
- (e) How did the incident happen?
- (f) What type of incident was it?
- (g) Which staff were involved?
- (h) If the incident happened as a result of an unauthorised disclosure, have the individual responsible and the recipient of the data been identified?
- (i) If there has been a delay in reporting the incident please explain your reasons for this
- (j) What measures were in place to prevent an incident of this nature occurring?
- (k) What policies, procedures and guidance are relevant to this incident?
- (l) Were any third parties involved in this breach? ¹

2. Data placed at risk

- (a) What data has been placed at risk? Please specify if any financial or sensitive personal data has been affected and provide details of the extent
- (b) How many individuals have been affected?

¹ For example suppliers processing data on our behalf

- (c) Are the affected individuals aware that the incident has occurred? If so, how did they become aware?
- (d) What are the potential consequences and adverse effects on those individuals?
- (e) What are the potential consequences and adverse effects on the Council?
- (f) Have any affected individuals complained about the incident?

3. Containment and recovery

- (a) Has any action been taken to minimise/mitigate the effect on the affected individuals?
- (b) Has any action been taken to minimise/mitigate the effect on the Council?
- (c) Is any future action planned?
- (d) Has the data placed at risk now been recovered? If so, please provide details of how and when this occurred.
- (e) What steps have been taken to prevent a recurrence of this incident?

4. Training and guidance

- (a) Had the staff members involved in this incident received training? If so, what training and when?
- (b) Is any additional training or guidance needed?

5. Reporting

- (a) Who else within the Council is aware of the incident?
- (b) Should the incident be reported to the police or anyone else?
- (c) Has there been any media coverage of the incident?
- (d) Are any other external parties aware of the breach?

6. Any other information

Form completed by:

Date:

For completion by The Data Protection Team

Log reference:

Incident types:

Data sent by email to incorrect recipient

Failure to use bcc when sending email

Data posted or faxed to incorrect recipient

Loss or theft of paperwork

Loss or theft of unencrypted device

Data left in insecure location

Cyber incident (e.g. inadvertent publication on website, phishing)

Failure to redact data

Insecure disposal of paperwork or hardware

Other

Ashford Borough Council
Data Protection Impact Assessment



Data Protection Impact Assessment Template

Project Name:	Approved by:
Author:	Date:

Data protection impact assessments (DPIAs) are tools which can help Ashford Borough Council (ABC) identify the most effective way to comply with its data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow ABC to identify and fix problems at an early stage, reducing the associated costs and damage to reputation which might otherwise occur. DPIAs are an integral part of taking a privacy by design approach, and are a legal requirement under the UK General Data Protection Regulation (UK GDPR) whenever a 'process is likely to result in a high risk to the rights and freedoms of natural persons'.

Overview

Explain what the project aims to achieve, what the benefits will be to ABC, to individuals and to other parties and what type of data processing it involves.

Step 1. Data Protection Impact Assessment Screening Questions

These questions are intended to help ABC decide whether a full DPIA is required. If the answer is yes to any of the questions a DPIA will be required.

Will the project involve the collection of new data about individuals?	
Will the project compel individuals to provide data about themselves?	
Will data about individuals be disclosed to other organisations not previously privy to the data?	
Will data about the individuals be used for purposes it is not currently used for?	
Does the project involve new technology that might be perceived as being privacy intrusive?	
Will the project result in making decisions or taking action against individuals in ways which could have a significant impact on them?	
Is the data about individuals of a kind particularly likely to raise concerns e.g. health records, criminal records - which may be considered private?	
Will the project require contact to individuals in ways they may find intrusive?	

If yes has been answered to any of the questions above – the below full DPIA below requires completing.

Step 2. Describe the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel, or utilises untested systems or software in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in?

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

Step 3. Consultation Process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within the Council? (Data Protection Team/ Legal/IT/Etc.) Do you need to ask your data processors to assist?

Step 4. Assess Necessity and Proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Step 5. Identify and assess risks

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
	Remote, possible or probable	Minimal, significant or severe	Low, medium or high

Step 6. Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
		Eliminated reduced accepted	Low medium high	Yes/no

Step 7 Sign off

Item	Name/position/date	Notes
Measures approved by:		<i>Integrate actions back into project plan, with date and responsibility for completion</i>
Residual risks approved by:		<i>If accepting any residual high risk, consult the ICO before going ahead</i>
Summary of DPO advice:		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons

Ashford Borough Council

Data Sharing Protocol

1 Introduction

- 1.1 Ashford Borough Council (**Ashford, we** or **us**) sometimes receives requests from third parties for copies of personal data about our customers, employees, contractors, members of the public or other individuals. For example, we might receive requests from the police, solicitors, HMRC, councils, regulators, or even from other individuals.
- 1.2 We have statutory obligations in respect of disclosing personal data to third parties and we must think about whether or not we have the right or permission to disclose this Personal Data. If we breach those obligations, we could face enforcement action such as fines, claims for compensation from individuals affected and reputational damage. Therefore it is important that we are very careful about what Personal Data we send to third parties and why.

2 Purpose of this document

- 2.1 This Data Sharing Protocol sets out how you should treat requests received from third parties for copies of someone's personal data. Please also refer to our [Data Protection Policy](#), which contains more information about what personal data is and how you should handle it. If you receive a request from an individual for his or her own data, please refer to our [Individual Rights Policy](#).
- 2.2 This Protocol is intended to apply to one-off requests for information. If you have received a request from a third party to enter into an ongoing data sharing arrangement, please refer this to the [Data Protection Team](#).
- 2.3 If you are not sure how to handle a request, please speak to your line manager or the [Data Protection Team](#).

3 Sharing personal data

- 3.1 "Sharing" personal data means providing or disclosing data in any form or by any means, including telling somebody orally over the phone or in person; sending information by email, text or other online messaging service; enabling access to electronic information (for example through an internet portal); and providing information in hardcopy form.
- 3.2 Personal data held by Ashford must only be shared in accordance with this Protocol or a data sharing agreement or when released under a request under the Freedom of Information Act or the Environmental Information Regulations (subject to the data protection exemptions or exceptions).

4 General principle

- 4.1 Our starting point should always be that personal data should not be disclosed to anyone who the information is not about. Personal data is private to the individual to whom it relates and often individuals would not expect us to provide personal data about them to other people without their consent.

5 Sharing for limited purposes

- 5.1 We may be able to share personal data with third parties if:
- 5.1.1 the sharing is for purposes that we have told the individual about; and
 - 5.1.2 we have told the individual that their data will be shared, or the individual would reasonably expect their data to be shared for these purposes.
- 5.2 For example, we may need to share personal data with our pension provider to enable our employees' pensions to be administered. We are allowed to do this provided we have told our employees that their data will be used for the purposes of administering pensions and other benefits, as employees would reasonably expect us to have to share data with a provider for this purpose.
- 5.3 In order to establish whether you can share data in this way, you should therefore look at the privacy policy or other privacy information that has been provided to the individual whose data you are proposing to share. If that information does not cover sharing for the purposes at hand, you will need to inform the individual that you are going to share their data for these purposes. Depending upon the legal basis for processing this data you may need to capture additional consents.

6 Sharing with consent

- 6.1 If you want to share personal data with a third party:
- 6.1.1 for purposes other than purposes we have already told the individual about;
 - 6.1.2 in circumstances where the individual would not expect their Personal Data to be shared; or
 - 6.1.3 where the data involved is sensitive personal data (for example, medical information, information about race or religion, information about political opinions or trade union membership,

you may need to obtain the consent of the individual to whom the Personal Data relates before you share the Personal Data.

- 6.2 When you obtain consent, you should make sure that the individual knows exactly what they are consenting to. This means giving a very clear

description of who the Personal Data will be shared with and why.

- 6.3 You must make sure that consent is recorded somewhere that is clear and easily accessible in our systems. This is so that if we are ever challenged on our decision to share Personal Data, we can demonstrate that appropriate consent was obtained.
- 6.4 Remember that individuals can withdraw consent at any time. If someone changes their mind before you share the Personal Data, you must not share it. If someone changes their mind after you share the Personal Data, you may need to take steps to retrieve the Personal Data.

7 Sharing information with councillors

- 7.1 We will not normally need to obtain specific consent to share personal data with councillors provided that:
 - 7.1.1 the councillor represents the ward in which the relevant individual lives;
 - 7.1.2 the councillor makes it clear that he or she is representing that individual in the request for personal information;
 - 7.1.3 the personal information is necessary to respond to the individual's complaint and/or to enable the councillor to carry out his or her official duties; and
 - 7.1.4 the information is not particularly private or sensitive.

8 Legal obligations to share Personal Data

- 8.1 There may be certain situations when we are under a legal obligation to share Personal Data. For example, if someone has obtained a court order or a warrant which requires us to share Personal Data, then we must do so otherwise we will be in breach of our legal obligations.
- 8.2 However, we must only disclose the minimum amount of Personal Data that is required by that legal obligation. For example, if a court order requires us to share someone's name and phone number, we shouldn't also share their postal address.

9 Exemptions

- 9.1 As well as legal obligations, there are certain exemptions that we can rely on to enable us to share personal data. These exemptions allow us to share personal data without obtaining consent and without telling the individual, as long as the data is required for certain purposes.
- 9.2 The main exemptions are as follows:

- 9.2.1 We can share Personal Data with a third party where it is necessary to do so for the purposes of preventing or detecting crime, or for apprehending or prosecuting offenders or the assessment or collection of a tax. These types of requests are likely to come from the police, other enforcement authority or another council and relate to an ongoing investigation; and
- 9.2.2 We can share Personal Data with a third party where it is necessary to do so for the purposes of legal proceedings, obtaining legal advice, or otherwise exercising, establishing or defending legal rights. These types of requests are likely to come from solicitors or from other third parties who are intending to take proceedings against an individual.
- 9.3 If you receive a request from a third party and you think it might fall under one of these exemptions, you should make sure that the request is made in writing and you should send the request to the [Data Protection Team](#) immediately. The third party requesting the data will need to tell us the reasons why the information requested is necessary for those purposes and we will need to make sure that we are satisfied that the information is, in fact, necessary. If you are not sure that the information is necessary, **you must not share the Personal Data**. You can tell the requester to obtain a court order for disclosure of the information if there is any doubt as to whether we should share the information.

10 Verification of identity

- 10.1 Even if you have someone's consent to share their Personal Data or there is an exemption or a legal obligation, you should always verify the identity of the person making the request so that you don't inadvertently share Personal Data with someone else.
- 10.1.1 **Individuals:** Other individuals may request data relating to someone else. For example, the daughter of an elderly council tenant might ask for a copy of the tenancy. You should make sure that you know who the requester is, the relationship that he or she claims to have with the person about whom information is requested and that he or she is entitled to have the information (for example, because there is a power of attorney or letter or authority in place).
- 10.1.2 **Authorities:** Sometimes the police or HMRC might ask us for information to assist with crime prevention or tax collection. For example, the police might ask us for the telephone number of a tenant they suspect of fraud. You should take steps to verify the identity and job title of the person, for example asking for a work email address, checking with the relevant police force or finding a generic telephone number for the authority online and contacting the requester that way.
- 10.1.3 **Third party companies:** If you receive a request from a third party company or another local authority, for example because the individual has applied for a job there and the request is for a

reference, you should verify that the company exists and that the person making the request works there and has the job title he/she says he/she has.

11 Minimisation of Personal Data

- 11.1 Even where a decision is taken to share personal data with a third party, we must always remember that we have an obligation to make sure that the minimum amount of personal data necessary is processed, which includes sharing with third parties. Therefore, you should only disclose the minimum amount of Personal Data that is necessary for our or the third party's purposes.
- 11.2 For example, if the police request someone's telephone number as that person is suspected of fraud and the police need to track that person, you may be able to disclose the telephone number but you should not disclose other information such as that person's address or personal details, even if you think it would be helpful to do so.

12 Transmission of Personal Data

- 12.1 As well as our obligations in terms of sharing personal data, we also have obligations to keep personal data secure. This means that when you share personal data with third parties, you should do so in a way that is technologically and physically secure.
- 12.2 If Personal Data is transmitted by electronic means, such as by email, file transfer link or portable device, the email, file or device should be password protected, or encrypted if information is sensitive or risky.
- 12.3 If data is provided in hardcopy, this should either be physically handed to the recipient or sent by recorded delivery and marked "confidential".
- 12.4 Always make sure that you send the Personal Data to the correct person. If sending electronically, check that you have put in the correct email address. If you hand the Personal Data to someone in hardcopy, check their ID and if you post hardcopy information to someone, make sure it is signed for by the right person.

13 Recording your decision

- 13.1 If we are ever challenged by an individual or the regulator on sharing personal data, it is important that we are able to demonstrate that the sharing was compliant with data protection laws. We must therefore make sure that there is an appropriate audit trail.
- 13.2 Once you have made the decision to share, or not to share, data, you must record that decision (and the rationale) in writing and in a place that is easily accessible on our systems or in our files. You should make sure that your record includes what information was shared and why, with whom, your justification for sharing it, and whether or not consent was obtained from the

relevant individual.

14 Sharing Personal Data with suppliers

14.1 If we need to share personal data with any third party suppliers who will use that Personal Data for the purposes of carrying out services on Ashford's behalf (rather than for their own purposes), we can normally do this but we must do two things to make sure that this is compliant:

14.1.1 We must conduct appropriate due diligence on the supplier or third party to assess their information security and data protection procedures before we send them any personal data. We should check that they have adequate policies and security measures in place, and that all their staff are appropriately trained on data protection.

14.1.2 We must also make sure there is a written contract in place with the supplier or third party which includes certain standard clauses governing what they can and can't do with personal data. Please make sure that you contact the [Data Protection Team](#) if you need to put a contract in place with a supplier who will process personal data on our behalf so that the Data Protection Team can make sure that the data protection clauses are adequate.

15 Kent and Medway Information Sharing Agreement

15.1 We are signatories to the Kent and Medway Information Sharing Agreement which provides a framework between which personal data may be shared with signatory organisations or public bodies across Kent and Medway, as long as there is an appropriate legal basis for the share. When sharing information with signatories you must adhere to the agreement and keep a record of the sharing that has taken place.

16 Updates to this Protocol

16.1 We will review this Protocol periodically and will make any required updates. You will be required to comply with any updates from the date the updated Protocol is made available. We will let you know when updates are made.

Last updated: December 2022

Ashford Borough Council

Data Protection Compliance Monitoring Protocol

Purpose of this document

This Data Protection Compliance Monitoring Protocol is intended to provide practical guidance to key stakeholders within Ashford Borough Council (**Ashford**) who are responsible for monitoring compliance with data protection laws across Ashford. Key stakeholders are likely to be senior members of Service Areas the Data Protection Team and/or those in executive or director roles. The terms **you**, **your** etc. throughout this Data Protection Protocol refer to those key stakeholders.

Ashford collects and uses a huge amount of personal data and has statutory obligations in respect of that personal data. Ashford has a number of data protection related policies and procedures in place, including:

- [Data Protection Policy](#);
- [Breach Management Policy](#);
- [Individual Rights Policy](#);
- [Data Sharing Protocol](#);
- [Data Protection Impact Assessment template](#);

Ashford also provides induction and refresher training on data protection.

These policies and training help Ashford to demonstrate that it is compliant with data protection legislation. However, full compliance is not possible unless all employees are aware of the importance of the rules and are taking steps on a day-to-day basis to protect personal data.

This Protocol therefore sets out the steps that you should be taking, as key stakeholders, to ensure that your team members and other colleagues are alive to data protection issues in their day-to-day roles, and that they take on board and comply with the requirements of the legislation.

Practical tips to ensure compliance

Lead by example
<ul style="list-style-type: none">• Make sure you are familiar with Ashford's Data Protection policies and procedures• Ensure you are taking all practical steps recommended by those policies and procedures and any additional steps required to protect personal data

Ensure that all team members handling personal data are aware of Ashford's policies and procedures and have read and understood them
<ul style="list-style-type: none">• Discuss policies and procedures as part of initial training and ask team members to explain what their understanding is of the policies and procedures• Raise compliance with policies and procedures as part of supervision and ongoing training• Incorporate compliance with policies and procedures as part of annual appraisals

Make sure all team members complete Ashford's induction training and annual refresher training on data protection
<ul style="list-style-type: none">• Keep a log of those team members who have completed the training and those who have not• Issue reminders to team members who have not completed the training within the required timescales• Escalate to senior management when team members have not completed the training within the required timescales

Encourage people to "think privacy"
<ul style="list-style-type: none">• If you and/or your team members are involved in new projects involving personal data, raise data protection as a key consideration at the outset• If projects present a significant data protection risk, make sure you or your team members liaise with the Data Protection Team to establish whether further steps need to be taken to ensure data is adequately protected, for example carrying out a Data Protection Impact Assessments.

Build a culture of data protection compliance
<ul style="list-style-type: none">• Encourage team members to build habits of thinking about personal data• For example, ask those working on new projects to explain what the data implications of projects are

Look out for day-to-day compliance
<ul style="list-style-type: none">• Regularly review what your team members and colleagues are doing with personal data• For example, are individuals locking paper files away, locking their screens when away from their desks, password-protecting sensitive files?• If certain individuals are regularly failing to take steps like this to protect personal data, consider whether there are additional training needs for those individuals or whether further information/guidance is required• Ensure that team members know that failure to comply with data protection requirements may become a disciplinary issue

Carry out regular spot-checks
<ul style="list-style-type: none">• Implement regular audits and/or spot-checks among your team to test compliance with data protection requirements• If audits and spot-checks reveal gaps in compliance, identify whether there are additional training or guidance needs and address them if so• Escalate any Data Protection concerns identified a part of the spot-checks/audits to the Data Protection Team

Be prepared to answer questions
<ul style="list-style-type: none">• Make it clear to your team that you are available if they have any questions or concerns about data protection• Be willing and able to deal with queries from team members and Colleagues

Get to know the Data Protection Team
<ul style="list-style-type: none">• Get to know Ashford's Data Protection Team so that you feel comfortable speaking about issues and questions you or your team have• Liaise with the Data Protection Team on a regular basis and raise questions as soon as they arise

Deal with breaches in your team effectively
<ul style="list-style-type: none">• If someone notifies you of a data breach, find out as much information as you can about the breach• Make sure breaches reported to you are escalated to the Data Protection Team immediately and in accordance with Ashford's Breach Management policy• Identify and implement additional measures and or training needs arising out of a breach

Keep systems up to date
<ul style="list-style-type: none">• If you or your Service Area are responsible for systems used by Ashford, make sure that these systems are up-to-date• If you or your Service Area use manual filing and archiving systems, encourage a Management Policy where regular file and archive reviews are conducted to ensure that data is destroyed where necessary

Keep the Data Protection Team informed of new uses of data
<ul style="list-style-type: none">• If your Service uses data in a new way, you should immediately inform the Data Protection Team as we may need to notify the Information Commissioner or our users to this new use of data• The Data Protection Team will also be able to assist with any necessary data protection measures to accompany this new use, for example; privacy notices, processing clauses in contracts and general good data governance.

Questions about this Protocol

If you have any queries about this Protocol or if you are not sure what you should be doing to assist and ensure compliance, please contact the [Data Protection Team](#).

Last updated: December 2022



Agenda Item No: 10
Report To: Cabinet
Date of Meeting: 24 November 2022
Report Title: Quarter 2 - Financial Monitoring
Report Author: Jo Stocks
Job Title: Senior Accountant
Portfolio Holder: Cllr. Neil Shorter
Portfolio Holder for: Finance and IT

Summary: This report presents the second quarter budget monitoring position, as at the 30 September 2022. The economic outlook has significantly changed since the budget was set, and has continued to be volatile throughout the second quarter and this is reflected within the report and the projections it contains.

The forecast position to 31 March 2023 indicates an overall pressure on the General Fund (GF) of £2.1m (£1.7m at quarter one), with a pressure in services of £1.7m (£1.2m at quarter one). The Housing Revenue Account (HRA) is reporting a total underspend in year of £492,000 (£356,000 at quarter one).

There have been a number of movements within the general fund during the 2nd quarter monitoring process, with material movements summarised below, and further information provided in the body of the report:-

Temporary Accommodation has seen a further increase in demand and is forecasting an additional pressure of £197,000, this is a total variance of £400,000 on the original budget. This trend is reflected across the County.

Facilities Management is showing a pressure of £190,000 and Ashford Port Health are projecting an increase in income of around £120,000 which can be used within the General fund.

The Housing Revenue Account (HRA) is forecasting a reduction in operational spend of £136,000, with capital expenditure plans increasing by £152,000, since quarter one.

This report also provides an update on the collection fund, treasury management, reserves and progress on savings identified within the 2022/23 budget.

Key Decision: NO

Significantly Affected Wards:	None
Recommendations:	<p>The Cabinet is recommended to:-</p> <ol style="list-style-type: none"> I. Note the quarter 2 forecast position for the General Fund and the Housing Revenue Account. II. Note the Collection Fund position III. Note the Treasury Management position IV. Note the provisional reserve allocations as highlighted at Table 6 of this report
Policy Overview:	The Budget is a key element supporting the delivery of the Council's wider policy objectives.
Financial Implications:	<p>The General Fund is reporting an overall pressure of £2.1m based on quarter two budget monitoring.</p> <p>The HRA is forecasting an overall underspend of £492,000 in operational budgets, and is forecasting a reduction in capital spend, compared to the original budget, of £485,000.</p>
Legal Implications:	N/a
Equalities Impact Assessment:	A full assessment was undertaken as part of 2022/23 Final Budget Report.
Exempt from Publication:	No
Background Papers:	
Contact:	Jo.Stocks@ashford.gov.uk – Tel: (01233) 330548

Report Title: Quarter Two Financial Monitoring

Introduction and Background

1. This report presents the forecast outturn position to 31 March 2023 based on information available as at 30 September 2022.
2. The 2022/23 budget setting process was undertaken around October/November 2021 as the United Kingdom (UK) was recovering from, and starting to live with, Covid. However, following a period of uncertainty, including the war in Ukraine, energy prices have increased significantly, pushing up inflation. In addition to this the upheaval and uncertainty in the British Government has caused volatility in the markets, and led to an increase in the cost of Government borrowing.
3. In response to rising inflation, the Bank of England (BOE) has increased the UK interest rate to 3%, with further increases anticipated at future meetings of the BOE's Monetary Policy Committee (MPC) with peak rates now anticipated to reach 4.25%.
4. The impact of the above has meant that inflationary and interest rate forecasts used in the 2022/23 budget setting process were a lot lower than the reality, with actual rates leading to significant pressure on Council budgets, notably the refuse collection contract (13% uplift) and short term borrowing costs which are anticipated to increase by around 1,000% in cash terms.
5. In addition to the pressures being felt by the Council, the Council's residents and businesses are also feeling the impacts of rising inflation and interest rates, which is likely to lead to pressure on the Council's sales, fees and charges income, collection rates, as well as add pressure to frontline services, such as homelessness representations which are already well above budgeted levels.
6. In light of these pressures, as well as any future turbulence in the economy, officers are continuing to review budgets in order to mitigate, as much as possible, the effects of the pressures the Council is facing. This review process extends into the 2023/24 budget setting process, which is also on tonight Cabinet Agenda.
7. With the issues facing the current Government there is unlikely to be any financial aid from Central Government. However, the Chancellor will present a revised fiscal statement on the 17 November and will give Councils a better steer on what action is being taken to support inflationary pressures, especially against the backdrop of more Councils discussing possible S114 Notices (Bankruptcy) in the medium term.
8. This report considers each of the following areas of the Council in more detail including the General Fund, Housing Revenue Account, Collection Fund (Council Tax and Business Rates), Treasury Management, reserves movements and savings to be identified.

Summary of General Fund Position

9. The current General Fund position is forecasting a deficit of £2.1m in year with £1.7m in service expenditure. While it's not unusual to be reporting an overspend at this point in the year, the Council's ability to be able to fund those pressures has been greatly inhibited by the increase in interest rates, which has led to a pressure in the investment and borrowing budgets, where in recent years this function supported service deficits.
10. There is £438,000 of savings still to be identified, that were agreed as deliverable when the 2022/23 budget was set, but are not now deliverable as intended, due in part to the economic climate, which has developed since these savings were proposed. As a result some new savings will need to be identified, and these will need more time to be realised, where these savings are not likely to be delivered they have been rolled up into the wider deficit within the 2023/24 budget, where new savings across the organisation will need to be identified.
11. The savings to be identified was a risk highlighted by the Cabinet and the Overview and Scrutiny Budget Task Group and, as requested, progress is reported at **Appendix B**, in accordance with the recommendation made by Cabinet when the budget was set. Management Team are reviewing, and will consider new saving opportunities to replace these targets, and will strive to reduce some of this pressure as we move through the remainder of the year. Services are also being encouraged to think about general expenditure to help reduce the overall corporate pressure, and all vacant posts and regrading proposals are now having to be referred to Directors for consideration. The impact of this approach should start to filter into forecasting as we move through the remainder of year.
12. **Table 1** shows the movement between revised budget and forecast outturn, and the variance between the quarter one and quarter two forecasts, at an Assistant Director level. Further details of material movements in each Assistant Director area are covered in the narrative section below.

Table 1 - General Fund Quarter 2 Forecast as at 30 September 2022 projecting the year end position

General Fund Summary as Assistant Director Level	2022/23 Current Budget	2022/23 Forecast Outturn at Q2	2022/23 Forecast Outturn at Q1	2022/23 Forecast Variance	2022/23 Variance Q2 to Q1
	£'000	£'000	£'000	£'000	£'000
Finance and IT	2,178	2,186	2,163	6	23
HR, Customer Services, Comms and Digitalisation	603	611	633	8	(22)
Housing	1,227	1,658	1,460	433	199
Safety Wellbeing and Port	647	941	1,045	294	(104)
Environment, Property and Recreation	4,968	5,793	5,558	825	234
Planning and Development	2,298	2,682	2,634	382	47
Corporate Management Costs	1,650	1,389	1,389	(261)	0
Head of Economic Development	686	675	624	(11)	51
Head of Performance and Policy	1,458	1,422	1,383	(38)	39
Solicitor to The Council and Monitoring Officer	303	327	342	22	(16)
Total Service Expenditure	16,018	17,684	17,231	1,660	451
Capital Charges & Net Interest	(2,154)	(1,654)	(1,654)	500	0
Levies, Grants and Precepts	282	282	282	0	0
Contribution to Balances	1,947	1,856	1,947	(91)	(91)
Budget Requirement	16,093	18,168	17,806	2,069	360
Financing:					
Retained Business Rates	(4,685)	(4,685)	(4,685)	0	0
Government Grants	(398)	(398)	(398)	0	0
Rural Services Delivery Grant	(87)	(87)	(87)	0	0
New Homes Bonus	(1,886)	(1,886)	(1,886)	0	0
Council Tax	(8,638)	(8,638)	(9,038)	0	0
Council Tax 2020/21 Surplus	(400)	(400)	0	0	0
Total Movement	(1)	2,074	1,712	2,069	360

Summary of General Fund Movements at Assistant Director Level

Housing (General Fund)

13. General Fund Housing are reporting a further pressure of £199,000, with £197,000 of that pressure as a result of an increase in demand on Homelessness. When the budget was built it was assumed there would be an average of 100 cases in TA per month, however at the end of the second quarter there were 140 cases in TA. It is unknown at this time what effect the current economic climate will have on homeless presentations, but the Housing department are investigating ways to reduce the demand, including more prevention work, and looking into alternatives to the current TA solutions.
14. It was hoped that there would be some relief from the Henwood proposal, however this has been delayed until November 2023, due to the issues at Stodmarsh. In addition to this there is also a lack of affordable homes in the area, again as a result of Stodmarsh. This budget represents a forward risk to the forecast and will be monitored closely as the year progresses. It should

be noted that there is a similar picture emerging across the county, where all districts are seeing increases in homelessness.

Safety Wellbeing and Port

15. The Safety Wellbeing and Port area is showing a positive variance of £104,000 at the end quarter two. There is additional income of £120,000 as a result of checks IUU (Illegal, Unregulated and Unrecorded) checks on fish, on behalf of the Marine Management Organisation, and therefore retained within the general fund.
16. This variance is partially offset by various small pressures within the Environment Health area, mainly as a result of increases to employee costs, including cover for long term sickness. In addition to this there's around £35,000 of savings still to be identified.

Environment, Property and Recreation

17. Property Building Services are forecasting a £543,000 overspend for the maintenance of our assets, which is to be funded from reserves. Works include Edinburgh Road carpark, Tenterden and Stour Centre Leisure Centres and Repton Copper Beech Tree.
18. There is a pressure of £95,000 due to additional costs at Pitchside & Courtside, including £45,000 loss of income from the closure of the 3G pitch, and £50,000 increase in security and cleaning costs.
19. There's a reduction in income at various commercial sites, including Park Mall and Ellingham, while this is partially offset by an increase in rental and service charge income at Elwick and International House, the total pressure in this area is £146,000.

Planning and Development

20. Planning and Development is forecasting a further pressure of £47,000, compared to quarter one, of which, £75,000 is due to forecast income for pre-application advice delayed as the scheme is still being developed, but this has been largely offset by a number of minor savings, as well as an additional £31,000 in s106 income.

Housing Revenue Account (HRA)

21. The Housing Revenue Account is showing a further decrease in operational expenditure, compared to quarter one, of £136,000. While there is an anticipated pressure of £150,000, as a result of an increase in utility costs, which will be recoverable in 2024/25, this is offset by £61,000 in salary savings, £22,000 reduction in Tenant Participation Advisory Service (TPAS) costs, compared to initial estimates and a number of projects, including the implementation of the Customer Relationship Management (CRM) system, which will be slipped into 2023/24.
22. Planned capital works are currently under review, in light of contractor delays and long-term sickness in the team, which is creating slippage in the planned works.
23. In addition to the review to explore potential savings in capital works, the disabled adaptations budget has been increased to £1m, from the base budget of £500,000. This increase is to facilitate a number of jobs that are currently underway, as well as the completion of some larger extensions.
24. Officers have identified a saving of £282,000, on planned works, with further savings expected after the review has been completed.
25. A breakdown of this variance is shown in **Table 2** below:

**Table 2 – 2022/23 Housing Revenue Account Forecast Outturn Position
(Quarter 2)**

Housing Revenue Account	2022/23 Current Budget	2022/23 Forecast Outturn at Q2	2022/23 Forecast Outturn at Q1	2022/23 Forecast Variance	2022/23 Variance Q2 to Q1
	£'000	£'000	£'000	£'000	£'000
Supervision and Management	6,732	6,662	6,726	(71)	(64)
Income	(28,775)	(28,782)	(28,775)	(7)	(6)
New Build	201	29	108	(172)	(78)
Other	15,960	15,677	15,677	(284)	0
Repairs and Maintenance	4,347	4,390	4,378	42	12
Net Revenue Expenditure	(1,535)	(2,024)	(1,886)	(492)	(136)
Capital Works - Decent Homes	6,142	5,223	5,505	919	282
Financed By:					
Contribution to/(from Major Repairs Reserve)	(6,142)	(5,223)	(5,505)	(919)	(282)
Net Capital Expenditure	0	0	0	0	0
Total Net Expenditure	(1,535)	(2,024)	(1,886)	(492)	(136)

Collection fund Monitoring

Business Rates

26. Collection rates for NNDR continue to be regularly monitored to gauge the potential impact of the current economic situation within the Borough. At the end of October 64.61% (£35.388m) of rates billed for the year had been collected, this compares to 59.42% in 2020/21 and 60.45% in 2019/20.
27. Collection rates have improved significantly compared to the same point last year, and pre-pandemic levels. However, it should be noted there is a continuing pressure on businesses, and the increasing inflation, interest rates and energy prices will not only impact on the ability of businesses to pay but may also impact the rates billed due to a potential fall in the number of businesses.
28. While the estimate of Business Rates billed has reduced since the original budget were calculated, there is a slight increase compared to the quarter one forecast. This £742,000 increase in Rates Billed is in large part due to the Covid19 Additional Relief Funding (CARF), as although relates to 2021/22 has actually been used to reduce the bills in 2022/23.
29. Including a prior year deficit of £3.5m, the overall deficit on the collection fund for business rates is forecast at £5.4m with Ashford's share (40%) of that deficit being around £2.2m, although as mentioned, this will be funded from s31 Grant.

Table 3 – Business Rate Summary

Collection Fund - Business Rates	Original Budget	2 Qtr Outturn	1 Qtr Outturn	Variance to Previous Quarter Forecast
	2022/23	2022/23	2022/23	2022/23
	£'000	£'000	£'000	£'000
Opening (Surplus)/Deficit	(13,285)	(13,285)	(13,285)	(0)
(Deficit) contributed by/Surplus distributed to Major Preceptors	16,771	16,771	16,771	0
Remaining Deficit/(Surplus) to be Contributed/(Distributed)	3,486	3,486	3,486	(0)
2022/23				
Amount of Business Rates to be paid to Major Preceptors	49,326	49,326	49,326	0
Amount of Business Rates Billed	(52,038)	(50,382)	(49,640)	(742)
Transitional Relief (Recovered)/Payable	0	3	(4)	7
Other Items Charged to the Collection Fund:				
Appeals and Rateable Value Reductions	1,500	1,706	1,687	19
Bad and Doubtful Debts	900	904	900	4
Renewable Energy	106	311	311	0
Cost of Collection	205	16	16	0
In year (Surplus)/Deficit	(1)	1,884	2,596	(712)
Overall (Surplus)/Deficit on Collection Fund	3,485	5,370	6,082	(712)

Council Tax

30. The value of Council Tax receipts collected at the end of October was 66.16% (64.794m), this compares to previous collection rates of 66.63% in 2021/22 and 66.91% in 2020/21. There is a very slight decrease in the amount collected this year, compared to last year, officers are continuing to monitor this in light of the current economic forecasts, which could further impact collection rates in 2022/23.
31. The amount of council tax billed has increased, by around £600,000, compared to the first quarter, but is still broadly in line with the original assumptions. It is likely that these fluctuations are timing differences, however officers continue to monitor to ensure that forecasts are reliable.
32. Overall the collection fund for Council Tax is reporting a year end deficit of £400m of which Ashford's share would be around £40,000, based on current forecasts.

Table 4 Council Tax Summary

	Original Forecast 2022/23 £'000	Quarter 1 2022/23 £'000	Quarter 2 2022/23 £'000	Variance £'000
Opening Deficit/(Surplus)	(3,505)	(3,505)	(3,505)	0
Deficit contributed by Major Preceptors	3,891	3,891	3,891	0
2022/23				
Amount of Council Tax to be Paid to Major Preceptors	97,347	97,347	97,347	0
Amount of Council Tax Billed	(97,347)	(96,837)	(97,480)	643
In Year Write Offs and Bad Debt Provision Increase	(983)	196	166	30
In Year (Surplus)/Deficit	(983)	706	33	673
Overall (Surplus)/Deficit	(597)	1,092	419	673

Capital Monitoring

33. **Table 5**, below, illustrates the capital expenditure forecast for each approved capital project. Sources of funding are detailed below so do not form part of the figures shown in the table.

Table 5 – 2022/23 Capital Expenditure Forecast Quarter 2, Projecting the Year End Position

Project Name	Total Approved Budget	Spend at 31/3/22	22/23 forecast spend	Future Forecast spend	Total Spend	Project Variance
	£'000	£'000	£'000	£'000	£'000	£'000
Place and Space						
Planned Minor Capital Works for General Fund Assets	2,000	500	500	1,000	2,000	0
Ellingham Roof	500	0	0	500	500	0
Tenterden Leisure Centre Roof	1,178	816	362	0	1,178	0
Stour Centre Pool Tiles	750	0	0	750	750	0
Victoria Park Fountain & Carpark	570	0	0	570	570	0
International House Works	2,050	0	50	2,000	2,050	0
Solar PV (various sites)	10,800	45	3,100	7,655	10,800	0
Solar PV Carlton Road	401	0	401	0	401	0
Stodmarsh - Phase 1	10,000	5	200	9,795	10,000	0
Newtown Works - Phase 1	87,273	129	14,028	73,116	87,273	0
Vicarage Lane redevelopment - Phase 1	10,664	3,513	2,151	5,000	10,664	0
Project Green	47,000	33	0	69,967	70,000	23,000
Single Grants Gateway Fund	300		75	225	300	0
Victoria Park Rejuvenation Project	3,468	231	2,437	1,500	4,168	700
Conningbrook Lakes Country Park development	2,055	78	950	1,027	2,055	0
Tenterden Decarbonisation Works	1,263	327	2,138	0	2,465	1,202
Civic Centre Decarbonisation Works	936	0	0	0	0	(936)
Play Parks	1,100	0	2	1,098	1,100	0
Health & Wellbeing						
Henwood Temporary Accommodation	4,700	90	300	4,310	4,700	0
Rough Sleepers Accommodation Programme	3,552	379	1,172	1,378	2,929	(623)
Customer Tech & IT						
Digital Transformation	664	119	434	111	664	0
HRA						
Programmed Works Including Disabled Adaptations	29,695	2,581	5,330	21,784	29,695	0
Play Areas	300	178	61	61	300	0
Street Purchases	39,074	5,338	800	24,881	31,019	(8,055)
St Stephens Walk	3,165	567	1,285	1,313	3,165	0
Halstow Way	6,997	4,131	3,073	0	7,204	207
55 Mabledon (Piper Joinery)	7,246	2,053	5,193	0	7,246	0
Oakleigh House	15,946	257	5,125	8,630	14,012	(1,934)
Ford Way	9,042	0	0	9,042	9,042	0
Coneybeare	9,776	0	1,538	8,238	9,776	0
Tile Kiln	7,210	1,124	1,025	5,061	7,210	0
Infill Sites	6,274	0	2,460	3,814	6,274	0
Hamlet Chilmington	1,970	1,115	855	0	1,970	0
Digitalisation	90	0	20	70	90	0
Decarbonisation	85,165	0	800	84,365	85,165	0
Lifeline	220	0	0	220	220	0
CRM	35	0	0	35	35	0
Court Wurtin	455	180	166	109	455	0

General Fund Capital

34. *Victoria Park Project* – The budget for this project was first calculated in 2018, however costs have risen since this time, and therefore the increase in costs of £700,000 is to be expected. To offset this an allowance of £196,000 has been approved by Management Team, with a further £300,000 awarded by the National Lottery Heritage Fund, as well as £34,000 by the Contain Outbreak Management Fund (COMF). The remaining £170,000 will be funded from reserves.
35. *Conningbrook Lakes Country Park Development* – The plans for the country park went to Cabinet in February 2020. However, due to Covid the project was placed on hold, a number of stakeholders in the masterplan subsequently pulled out (e.g. the Shepherd Neame Pub. The project has now been re-commenced, therefore the masterplan is being reviewed and updated, following which a delivery programme will be established.
36. *Rough Sleepers Accommodation Programme* – Due to difficulties in procuring suitable homes for this project the number of dwellings to be purchased has gone from 20 to 15, resulting in a saving of £623,000. However, this has impacted the Homes England funding which has been reduced in line with the anticipated spend by £265,000.

Housing Revenue Account (HRA) Capital

37. The issues at Stodmarsh continue to delay the HRA building programme, in addition to this, the current economic climate is affecting the feasibility of some projects, which will need to be delayed. Officers are currently reviewing the HRA Business Plan (Cabinet December 2022) which will give more detail on the current timeline for projects.
38. *On Street Purchases* – At the time of writing two properties have been purchased in 2022/23, with a further three expected by the end of the year. At the time the budget was set the economy was in a very different place, however with the pressures on the HRA Business Plan, due in part to the cost of borrowing, as well as the increasing property prices, this is no longer a viable way to increase the council's housing stock. Going forward it has been decided that unless there are properties that fulfil a specific housing need then there will be no further street purchases after 2022/23.
39. *Halstow Way* – The £207,000 overspend is due to increased material costs, caused by inflation. Please note that £1m Homes England funding was secured for this project.
40. *Oakleigh House* – This project is experiencing significant delays as a result of the difficulties obtaining planning consent, as a result of Stodmarsh. Works were expected to start by the end of this financial year, but now commence in 2023/24. The costs will continue to be reviewed as more information becomes available.

41. *Decarbonisation* – The HRA has identified all dwellings that do not currently achieve an EPC rating of C. To bring these dwellings up to the required standard is expected to cost around £22m. Grant funding of £5m, from the Department of Business, Energy and Industry Strategy has been secured, further funding for the next tranche of works is being applied for. This piece of work and anticipated funding has led to a saving of around £63m, compared to the original estimates. Works are expected to commence in March 2023.

Reserves

42. Contributions to and from reserves that were not identified as part of the budget setting process are required to be reported as part of the budget monitoring report. These pressures are not reflected in the general fund figures previously covered within this report.
43. **Table 6**, below, identifies the reserve movements that are proposed for year-end, subject to the final outturn position. Cabinet are asked to note these proposals.

Table 6 – Breakdown of Reserve Movements

Purpose	Suggested Reserve	Amount £
Continued contractual support for Tenterden Leisure Centre as a new Operator is tendered for. This support is necessary to prolong the management of the incumbent operator in light of challenging market conditions and avoid closure of the centre.	Economic Growth and Risk Fund	500,000
The current operational repairs and maintenance budget for the Council is overspent by £543,000 following a number of essential projects, this is to be funded from the wider repairs and renewals reserve.	Repairs and Renewals reserve	543,000
Total		1,043,000

Recommendation – Cabinet is asked to note the reserve movement proposals in Table 6 above.

Treasury Management

44. The breakdown of the Capital Charges and Net Interest line is shown below at **Table 7**. This table shows the borrowing and investment budget, Minimum Revenue Provision (MRP) and depreciation. The MRP is a statutory payment the Council has to make to offset the costs of capital borrowing over the life of the associated asset.

Table 7 – Net Interest Summary

	2021/22 Current Budget	2022/23 Forecast Outturn at Q2	2022/23Fore cast Outturn at Q1	2022/23 Forecast Variance	Q2 - Q3 Movement
	£'000	£'000	£'000	£'000	£'000
Interest payable	1,146	1,146	1,146	0	0
Interest receivable	(3,022)	(2,522)	(2,522)	500	0
Minimum revenue provision	1,664	1,664	1,664	0	0
Depreciation	(1,942)	(1,942)	(1,942)	0	0
Total Net Interest	(2,154)	(1,654)	(1,654)	500	0

Interest payable / Interest receivable

45. Since the last budget monitoring report the markets have been highly volatile, although they are now showing some signs of easing. The Council is still expecting further rate rises in December and into the new year, although the peak rate is now forecast to be circa 4.25%, before starting to drop in the medium term as the country enters recession and looks to recover.
46. There has been no movement in forecast since quarter one and the team are still keeping cash balances low to minimise borrowing and are taking short deposits to bridge small funding gaps. However this will change as we move into January as a large number of loans mature. The current loan portfolio is shown at **Appendix A** where the rate rises become apparent where new loans have been taken.
47. **Investment Capital Values** – the capital value of strategic investments is now valued at £30.2m compared to an original investment value of £30.8m, therefore representing a capital decline of £0.6m. As we learnt from the pandemic, when the funds were reduced by circa £4m, the Council needs to be comfortable with the long term nature of these funds and hold them in accordance with strategy.
48. Current investment balances, and borrowing portfolios are shown at **Appendix A**.

Savings to be identified

49. The 2022/23 draft budget had a saving requirement of £827,800 which was identified in 2021/22 as part of the £3m cumulative target to support the Council's medium term financial plan. £639,260 of these savings were still to be fully identified at the time of setting the budget.
50. These savings were identified by the Cabinet and Overview and Scrutiny Budget Task Group who endorsed Cabinet's recommendation, recommended that progress on delivery of these savings be reported as part of this report, and Cabinet agreed with this recommendation.
51. As acknowledged when setting the budget, the economic situation has changed since the agreement of the original proposals and therefore it was acknowledged that savings may have to be delivered differently to the original plan. However it is universally accepted that these savings are required to achieve a balanced position for the medium to long term finances of the Council.
52. The quarter two monitoring position is reporting that £438,000 of savings are still to be delivered and have been added to the forecast pressure. A full list of the savings originally agreed, identified as 'to be delivered' and those that are now recorded as a pressure are shown at **Appendix B**.
53. Budget Mangers will continue to explore new options for delivering these saving requirements and aim to reduce the pressure items over the remainder of the year.

Portfolio Holder's Views

54. These continue to be extremely challenging times both for the residents of the borough and the Council as rising inflation and interest rates impact finances.
55. For the Council this has led to further additional pressure on homelessness as well as pressures in our Property Services, due to both an increase in costs and a reduction in income.
56. Directors and the wider Management Team are continuing to review the savings still outstanding and have put measures in place to ensure that all recruitment is reviewed before approval is given.
57. The pressures we are seeing during this financial year are not one-offs, it is expected that increased costs will be an issue for some time to come, which will impact on the Council's ability to deliver discretionary services to our residents, in both the short and long-term.

Contact and Email

58. Jo Stocks – Jo.Stocks@ashford.gov.uk

Treasury Management Portfolio as at 31 October 2022

Counter Party	Deal Date	Rate %	Amount £	Fair Value £
Investment Accounts				
Goldman Sachs	Various	0.05%	54,117	54,117
ICD Portal - BNP	Various	2.75%	3,085,000	3,085,000
Payden Global MMF	Various	3.00%	3,000,000	2,887,359
Total Investment Accounts			6,139,117	6,026,476
Long Term Investments				
Property Investment				
A Better Choice of Property Ltd.***	Various	0.00%	789,060	1,096,036
CCLA Local Authority Property Fund	Various	3.48%	11,000,000	13,243,751
Equity Funds**				
CCLA Diversified Income Fund	Various	2.51%	3,000,000	2,808,951
Ninety One Diversified Income Fund	28/03/2019	3.37%	2,500,000	2,162,253
Aegon Diversified Income Fund	13/05/2019	5.15%	5,500,000	4,654,732
Schroder Income Maximiser	Various	7.77%	3,500,000	2,819,814
UBS Multi Asset Income Fund	Various	4.82%	3,000,000	2,241,848
UBS Global Income Equity Fund	29/07/2019	9.63%	1,500,000	1,195,430
Total Long Term Investments			30,789,060	30,222,815
Total Investment Portfolio			36,928,177	36,249,291

* Money Market Fund (MMF) are AAA rated deposit facilities which have variable rates of interest but have constant net asset values. Interest rates are shown at the time of producing this report.

** Equity funds and the Property fund have variable rates of interest and also have fluctuating capital values, the amount stated is the current fair value.

*** A Better Choice Of Property Ltd. is a solely owned subsidiary of ABC.

Debt Portfolio as at 15 November 2022

Counterparty	Deal Date	Rate %	Amount £	Maturity Date
Temporary Borrowing				
Ryedale District Council	27/09/2021	0.08%	2,000,000	24/11/2022
North East Derbyshire District Council	18/10/2021	0.15%	5,000,000	16/12/2022
Northern Ireland Housing Executive	19/10/2021	0.20%	7,000,000	23/01/2023
Bamsley MBC	23/11/2021	0.25%	5,000,000	27/01/2023
Cambridgeshire & Peterboro Combined Authority	23/11/2021	0.25%	5,000,000	30/01/2023
Cambridgeshire & Peterboro Combined Authority	08/12/2021	0.20%	5,000,000	23/02/2023
Bamsley MBC	27/05/2022	1.20%	5,000,000	11/01/2023
Salford City Council	26/05/2022	1.20%	5,000,000	04/01/2023
Warwickshire County Council	27/05/2022	1.20%	10,000,000	05/01/2023
West Yorkshire Combined Authority	06/06/2022	1.25%	8,000,000	25/04/2023
West Yorkshire Combined Authority	08/06/2022	1.25%	4,000,000	24/05/2023
West Yorkshire Combined Authority	08/06/2022	1.25%	3,000,000	22/05/2023
London Borough of Newham	08/06/2022	1.30%	10,000,000	03/04/2023
Wokingham Borough Council	10/10/2022	2.85%	10,000,000	24/01/2023
Total Temporary Borrowing			84,000,000	
Long Term Borrowing				
Public Works Loan Board - HRA	various	various	112,964,150	various
Public Works Loan Board - GF	13/07/2021	1.56%	13,500,000	13/07/2041
Total Long Term Borrowing			126,464,150	
Grand Total Borrowing			210,464,150	

Detail of PWLB Loans Outstanding at 31 October 2022

Date of Advance	Loan Ref Number	Date of Repayment	Amount Outstanding £	Rate %
28/03/2012	499514	28/03/2023	2,000,000	2.56%
28/03/2012	499507	28/03/2024	3,000,000	2.70%
28/03/2012	499503	28/03/2025	3,000,000	2.82%
28/03/2012	499505	28/03/2026	1,000,000	2.92%
28/03/2012	499496	28/03/2027	1,000,000	3.01%
28/03/2012	499509	28/03/2028	2,000,000	3.08%
28/03/2012	499497	28/03/2029	2,000,000	3.15%
28/03/2012	499510	28/03/2030	2,000,000	3.21%
28/03/2012	499498	28/03/2031	8,000,000	3.26%
28/03/2012	499511	28/03/2032	9,000,000	3.30%
28/03/2012	499499	28/03/2033	10,000,000	3.34%
28/03/2012	499512	28/03/2034	11,000,000	3.37%
28/03/2012	499506	28/03/2035	12,000,000	3.40%
28/03/2012	499513	28/03/2036	9,000,000	3.42%
28/03/2012	499515	28/02/2037	16,713,000	3.44%
29/03/2011	498502	29/03/2061	5,951,150	5.26%
13/07/2021	374161	13/07/2041	15,300,000	1.56%
	Total HRA Borrowing		112,964,150	
13/07/2021	374159	13/07/2041	13,500,000	1.56%
	Total GF Borrowing		13,500,000	

**A Better Choice for Property Ltd. Loans as at
31 October 2022**

Loans	Deal Date	Rate %	Amount £
Loan 3	12/02/2015	2.83%	400,000
Loan 9	22/07/2017	3.04%	1,445,000
Loan 12	25/03/2018	3.06%	240,000
Loan 13	04/05/2018	3.13%	2,490,000
Loan 14	05/06/2018	3.06%	1,196,311
Loan 15	05/07/2018	3.10%	113,000
Loan 16	25/09/2018	3.19%	823,000
Loan 17*	17/10/2018	3.45%	659,000
Loan 18	02/11/2018	3.31%	820,000
Loan 19	09/11/2018	3.29%	6,517,425
Loan 20*	01/02/2019	3.10%	93,890
Loan 21*	04/02/2019	3.10%	7,103,180
Loan 22	22/02/2019	3.03%	809,240
Loan 23*	04/03/2019	3.10%	941,360
Loan 24	17/06/2019	2.80%	160,000
Loan 25	01/07/2019	2.81%	91,776
Loan 26	06/09/2019	2.24%	568,400
Loan 27	08/09/2019	2.24%	3,821,595
Loan 28*	16/04/2020	3.57%	1,208,000
Loan 29*	16/10/2020	3.84%	1,029,820
Loan 30	20/11/2020	3.61%	2,175,000
Loan 31*	08/11/2021	3.22%	427,050
Loan 32	21/04/2022	4.05%	650,000
Loan 33	06/10/2022	5.50%	50,000
Total loans to ABCFPL			33,833,047
* These loans have been subsequently loaned to the companies subsidiary A Better Choice for Property Development Ltd.			

Savings to be identified tables

Director Of Customer Tech & Finance	2022/23 Original Saving	2022/23 Saving to be identified	2022/23 Q2 Forecast	Pressure	Q2 Budget Monitoring Comments
Communications & Marketing	(12,500)	(12,500)	0	(12,500)	Operational savings to be identified
Policy And Performance	(12,000)	(12,000)	(12,000)	0	Love Ashford Website now managed in house
Accountancy	(50,000)	(15,000)	(15,000)	0	Delivered through increased income from Fraud and Investigations
ICT	(20,000)	(10,000)	(10,000)	0	Reduction on usage and costs
Visitor & Call Centre	(10,500)	0	0	0	Saving made within 22/23 budget setting process
Visitor & Call Centre	(6,500)	0	0	0	Saving made within 22/23 budget setting process
Total	(111,500)	(49,500)	(37,000)	(12,500)	
Director Of Health And Wellbeing	2022/23 Original Saving	2022/23 Saving to be identified	2022/23 Q2 Forecast	Pressure	Q2 Budget Monitoring Comments
Deputy Head of Property & Projects	(17,500)	0	0	0	Saving made within 22/23 budget setting process
Project Delivery Team	(56,000)	(56,000)	(56,000)	0	This saving will be delivered by charging Officer time as a Capital costs to the projects they are involved in.
Parking & Engineering	(75,000)	(75,000)	0	(75,000)	This saving was intended to be delivered from moving to a more cashless parking environment. However, despite good progress being made on removing some machines, increased costs from an enforced change in the cash collection contract provider and increased cashless transaction fees have added pressures elsewhere negating this saving.
Environmental Health	(34,830)	(34,830)	0	(34,830)	Discussions with Housing taking place with the possibility of merging posts to make savings.
Housing Options	(57,070)	(11,280)	(11,280)	0	Saving delivered as site now fully let.
Housing Options	(99,450)	(99,450)	0	(99,450)	This saving will be recognised once the Henwood development is operational and being used to limit the council's exposure to expensive temporary accommodation solutions such as Bed and Breakfast.
Housing Options	(32,000)	0	(32,000)	0	Saving made within 22/23 budget setting process
Total	(371,850)	(276,560)	(99,280)	(209,280)	
Director Of Place And Space	2022/23 Original Saving	2022/23 Saving to be identified	2022/23 Q2 Forecast	Pressure	Q2 Budget Monitoring Comments
Strategic Planning	(50,000)	(50,000)	0	(160,000)	Processes for charging are still being developed to charge for Pre Planning Agreement Advice.
Development Control	(10,000)	(10,000)		0	Processes for charging are still being developed to charge for Planning Performance Agreements.
Strategic Planning	(100,000)	(100,000)		0	System still not fully embedded and delivering efficiencies
Facilities Management	(50,000)	(50,000)	(50,000)	0	Recharge to be made to the HRA for building space used by repairs and maintenance contractor.
Street Scene	(20,720)	(20,720)		(52,200)	The closure of new rent public toilets was recommended on the back of the introduction of the Community Toilet Scheme, however there has been strong public and political pressure not to close these facilities and therefore remain open, and the saving therefore not deliverable.
Street Scene	(31,480)	(31,480)	(31,480)	31,480	Closure of Toilets for park redevelopment.
Tenterden Gateway	(11,000)	(11,000)	0	(11,000)	Lease does not terminate until 2023 when saving will be realised.
Total	(273,200)	(273,200)	(81,480)	(191,720)	
Executive Functions	2022/23 Original Saving	2022/23 Saving to be identified	2022/23 Q2 Forecast	Pressure	Q2 Budget Monitoring Comments
Economic Development	(10,000)	(10,000)	0	(10,000)	Saving covered in 22/23 with some salary savings
Strategic Corporate Costs	(18,750)	0	0	0	Saving made within 22/23 budget setting process
Legal	(30,000)	(30,000)	(15,500)	(14,500)	This saving was originally identified as a opportunity to bring in external income through the award of a contract. However, due to resourcing constraints the bid was not submitted and therefore saving/income was not delivered. Since then, a partial saving has been possible as a result of grant funding from Kent Housing Group
Electoral Services	(12,500)	0	0	0	Saving made within 22/23 budget setting process
Total	(71,250)	(40,000)	(15,500)	(24,500)	
Total	(827,800)	(639,260)	(233,260)	(438,000)	



Agenda Item No: 11

Report To: Cabinet

Date of Meeting: 24 November 2022

Report Title: Right to Buy Lease Extensions

Report Author: Sharon Williams, Assistant Director Housing
Job Title: Hazel Tillman, Leasehold Services and Right to Buy Manager

Portfolio Holder: Cllr. Buchanan, Portfolio Holder for Housing
Portfolio Holder for:

Summary:

The number of years remaining on a Council Right to Buy lease can negatively affect the value of the property, the ability to sell and for purchasers to obtain a mortgage.

The Leasehold Reform Housing and Urban Development Act 1933, allows leaseholders to claim a new lease upon payment of a premium to their landlord. A leaseholder can pursue to seek an extension to their lease through the statutory route or the non-statutory route (also known as the informal route).

This report sets out the basis for introducing a non-statutory route to simplify the lease extension process. In the absence of an agreed non-statutory route, leaseholders only have the option of the formal route which can be a cumbersome and time consuming process for all parties.

In addition, where a flat in a block has already been sold through the Right to Buy, all future qualifying Right to Buy applicants in that block will only be offered the remaining term of the original 125 year lease that was issued. This negatively impacts tenants in those blocks wishing to buy through the Right to Buy, as they will not receive a 125 year lease, but any term which can be as low as 84 years.

This report sets out the proposal to provide each Right to Buy applicant a Right to Buy lease of 125 years.

Key Decision: No

Significantly Affected Wards: None

Recommendations: **The Cabinet is recommended to:-**

- I. **Agree the introduction of a non-statutory or**

informal Right to Buy Lease extension process.
II. Agree the proposal to grant all new Right to Buy leases the minimum term of 125 years.

Policy Overview:

Introduction of a non-statutory lease extension process whereby a leaseholder can agree with their landlord the amount to pay for the extension of a lease without entering into the statutory procedure. This is known as an 'informal', 'open market', 'private', 'voluntary' or 'by agreement' lease extension.

The non-statutory procedure, which is outside of the Leasehold Reform Housing and Urban Development Act 1933, means the leaseholder simply agrees terms with their landlord 'up-front', typically subject to the landlord obtaining valuation advice at the leaseholder's cost and meeting the landlord's reasonable costs.

To start offering Right to Buy applicants Right to Buy leases with a term of 125 years.

Financial Implications:

Under the statutory route to lease extensions the landlord is responsible for paying the following:

1. Negotiation costs
2. Any Court Costs
3. Any Tribunal costs

With the introduction of a non-statutory procedure which is outside of the Act, the leaseholder simply agrees terms with their landlord 'up-front', typically subject to the landlord obtaining valuation advice at the leaseholder's cost and meeting the landlord's reasonable costs. Therefore, the three statutory costs listed above will fall away.

Legal Implications:
*Text agreed by
Principal Solicitor
(Property and
Projects) on 24
October 2022*

The Leasehold Reform Housing & Urban Development Act 1993 (as amended), provides a leaseholder who has owned a flat for two years or more the right to add 90 years to what is left on their lease at a "peppercorn" rent, i.e. no ground rent. This is known as the statutory or formal route to lease extensions. The informal route however allows the leaseholder to achieve the same extension by simply agreeing terms with the freeholder without the complication, delay and expense afforded by the formal route.

The RTB process is governed by Part 5 of the HA 1985. This gives secure tenants the right to buy, at a discount, the freehold or long leasehold interest in their homes subject to certain conditions being met. Tenants of flats have the right to a long lease of a property with minimum term of 125 years (at peppercorn rent since the introduction of the Leasehold Reform (Ground Rent) Act 2022).

Equalities Impact Assessment:	See attached.
Data Protection Impact Assessment:	The impact on Data Protection will be assessed at the appropriate time.
Risk Assessment (Risk Appetite Statement):	<p>If the Council were only to offer the statutory lease extension route, it could incur non-rechargeable legal costs. Legal could also become involved in time consuming negotiations, thereby protracting the time to reach a conclusion. The Council could also face reputational risk if it does not offer a quicker and cheaper option for lease extensions, especially if other local authorities do.</p> <p>In order to provide a fair and transparent Right to Buy service and to ensure the Council supports its tenants to take their first steps to home ownership, each Right to Buy applicant should have the right to buy their flat on the same equal lease term of 125 years.</p>
Sustainability Implications:	None
Other Material Implications:	None
Exempt from Publication:	No
Background Papers:	Equality impact assessment for introduction of non-statutory lease extension process and granting of a minimum term of 125 years Right to Buy leases.
Contact:	Hazel Tillman hazel.tillman@ashford.gov.uk, 01233 330823

Introduction and Background:

1. With the introduction of Right to Buy in 1980, a number of flats occupied by Council tenants have been purchased. For the first flat sold in a block, the Council grants a lease of 125 years. Thereafter, any further flats sold within that block will have a lease term calculated from the date the first lease was issued, and as such will be for less than 125 years.
2. The number of years remaining on a lease can negatively affect the value of the property, the ability to sell and for purchasers to obtain a mortgage. A property with a lease of 90 years or less is deemed unattractive.
3. The first flat sold under the Right to Buy was in November 1981, leaving less than 85 years on that lease. In blocks where tenants are wishing to purchase their flats, but leases have been issued in the preceding years, the number of years remaining on those leases may now be unattractive.
4. The Leasehold Reform Housing and Urban Development Act 1993, allows leaseholders to claim a new lease upon payment of a premium to their landlord. There are two routes that a leaseholder can pursue to seek an extension to their lease:

The statutory route or the non-statutory route (also known as the informal route)
5. The advantages and disadvantages, including timeframes and time limitations, process and responsibility for costs, for following one or the other of the above routes are set out below.

Statutory and Non-statutory Procedures for Lease Extensions

6. One of the drawbacks of owning a flat on a long lease is that it reduces in value over time. The fewer years left on the lease, the less valuable the property becomes. Typically, a lease with less than 90 years left steadily becomes less valuable for a number of reasons, potentially leaving the leaseholder with a diminishing asset they may be unable to dispose of.
7. The leaseholder will need to be mindful of the 80 Year Rule (see below) as this will add considerable expense to a leaseholder looking to extend their lease. Also, if a lease has under 70 years left, mortgage rates may at best increase. It would also become virtually impossible to obtain a mortgage with less than 60 years left and it would be a struggle to re-mortgage. If looking to sell with this level of lease remaining, leaseholders may need to accept cash offers or sell at auction.
8. Most leaseholders of residential property are entitled to 'claim' a new lease under the terms of the Leasehold Reform Housing and Urban Development Act 1993 (the "Act"). Chapter II of the Act sets out the right, exercisable subject to and in accordance with the Chapter, to acquire a new lease of the

flat on payment of a premium. This process is known as the statutory procedure.

9. In accordance with the Act, the law gives a qualifying leaseholder the right to extend their lease. To be a qualifying leaseholder you must have owned a long lease for the past 2 years. A long lease is typically a lease which had an original term of over 21 years when it was originally granted.
10. The right is to add 90 years to what is left on the existing lease at a 'peppercorn rent'. A peppercorn rent means that no ground rent is paid. Therefore, if the present lease had 80 years left to run, the new extended lease would be for 170 years.
11. In addition to the above, a leaseholder can also 'claim' a new lease without having to comply with the Act. This is known as the non-statutory procedure.

The Statutory Procedure

12. The statutory procedure pursuant to the Act follows a prescribed route with each party (leaseholder and landlord) observing different roles:

Leaseholder Legal Representation

13. The leaseholder will start the process by securing the services of a conveyancing solicitor experienced in lease extensions. The solicitor will typically advise the leaseholder of the statutory process and of the costs involved and will act on the leaseholder's behalf.

Leaseholder Valuation

14. Professional valuation advice is important and accordingly, the leaseholder will need to secure a surveyor. Valuation is not an exact science, and it will be virtually impossible for the surveyor to provide an accurate estimate of the final settlement figure. The surveyor should be able to provide a 'best and worst figure', valuing the lease from both the leaseholder's and the landlord's perspective. The surveyor will then determine the figure to be submitted to the landlord which will form the basis of the offer to be made.
15. The leaseholder's surveyor will also be able to use their experience of properties in the local area to anticipate claims the landlord might make, including in response to the leaseholder's claim.
16. Lease extension premiums can be costly and this will be the first opportunity the leaseholder has to gain this information. They will need to determine if they can afford the premium, together with the other associated costs (see below) and decide whether to proceed with a formal claim. NB: extending a lease will ultimately add value to a property and most lenders will extend a mortgage to pay for a lease extension, assuming there is enough room on the mortgage in terms of spare equity and the leaseholder is able to meet the repayments.

Premium

17. The landlord is entitled to a premium (the price) for extending the lease, and this is based on a formula set out in the Act.
18. The following factors must to be taken into account when calculating the premium:
 - The reduction in the value of the landlord's interest – i.e. how much the landlord's interest in the property is now, compared with the value after the lease extension.
 - The Marriage value (see below) which only applies when the lease term is under 80 years. This can make quite a difference to the price, usually thousands of pounds. That is why it is very important for a leaseholder to get the lease extension before the remaining term of their lease drops even one day below the critical 80 year period.
 - The amount of ground rent payable under the lease.

Section 42 Notice

19. The solicitor will then draft and serve a Section 42 Notice on the landlord. It is important that a served Section 42 Notice is complete and contains no inaccuracies. If the landlord finds faults in the notice it may result in the notice being deemed invalid.
20. If a notice is invalid, unless the landlord is prepared to waive the invalidity, the notice will be considered defective. As a result, not only will the notice not be considered sufficient for the purpose of instigating the procedure to extend a lease, but the leaseholder may be time-barred from serving a further notice for a period of 12 months as a result.
21. Therefore, not only will the cost of preparing the initial notice be wasted, but the value of the lease will continue to diminish over the 12-month period which will in turn result in a higher premium being payable to the landlord. In certain circumstances it is possible for a leaseholder to save a defective notice by an application to the County Court.
22. Serving the Section 42 Notice is a clear milestone in the lease extension process and is referred to as the valuation date. This is when any figures which affect the price and which can change are set: i.e. the number of years left on the lease and the present value of the flat. Therefore, however long it takes to negotiate or decide the price (and this can take up to a year), the price will be based on the figures that apply on the date of the Section 42 Notice. This also freezes the length of the lease for assessing the premium.
23. The fixed date is also very important for leaseholders who want to avoid being on the wrong side of the 80 Year Rule (see below). As long as they have submitted their application to extend the lease before the 80 year deadline, they are safe.
24. The Section 42 Notice will also stipulate the date by which the landlord must respond to the notice. This date must be at least two months from the date the notice was served.

25. Upon receipt of a Section 42 Notice that is deemed acceptable in content, regardless of whether or not the application is successful or withdrawn, the leaseholder is liable for the landlord's 'reasonable' professional fees, including the landlord's valuation. Accordingly, at any point after the notice has been served, the landlord can request from the leaseholder a deposit of either 10% of the full premium proposed within the notice or £250.00, whichever is the greater.

80 Year Rule

26. A leaseholder only acquires the statutory right to extend their lease once they have been the registered owner with the land registry for 2 years. Accordingly, a leaseholder trying to sell a property with a lease that has only 82 years left, could struggle finding a buyer. This is because the new leaseholder may not qualify to exercise the statutory right until after the lease drops below this important threshold.
27. This is a concern for the leaseholder because the price to extend a lease with less than 80 years remaining is considerably more expensive as this threshold triggers an additional cost known as the Marriage Value (see below). The Marriage Value has to be paid by the leaseholder to the landlord and can be quite expensive, depending on the value of the property once the lease has been extended.
28. However, it is possible for the leaseholder, if they have owned the lease for at least 2 years, to serve a Section 42 Notice to start the lease extension process and assign the benefit of the notice to the buyer. This means that the buyer will not have to wait 2 years to extend the lease. Whilst there is no prescribed form for the assignment of the notice, it needs to be clear that the purpose of the notice is to assign the benefit of the Section 42 Notice to the buyer. This has to be done before, or at the same time as the lease is legally assigned. Once the purchase has completed, the new leaseholder can then continue with the process without having to wait 2 years.

Marriage Value

29. When a leaseholder extends a lease that has less than 80 years left, there is an additional fee to be paid to the landlord called a Marriage Value. Taking action before the lease falls below 80 years will avoid the Marriage Value for the leaseholder.
30. When a lease is extended it adds value to the property. Sometimes this can be a substantial amount. Under the Act, the landlord is entitled to half of the increase in the value of the property following completion of the lease extension. This is effectively reflecting the additional market value of there being a longer lease. For example, if a property increased in value by £20,000 following the lease extension, the leaseholder would have to pay a Marriage Value amount of £10,000 to the landlord.
31. In that this potential 'profit' only arises from the landlord's obligation to grant the new lease, the legislation requires that it be shared equally between both parties.

Landlord Valuation

32. The landlord will also instruct its own surveyor for a professional valuation for extending the lease.
33. The landlord may also request further information, which they must do within 21 days of receipt of the Section 42 Notice and the leaseholder has 21 days to provide any information the landlord has requested.
34. The landlord has at least 2 months to respond to the Section 42 Notice with their own offer, by serving a Section 45 Counter Notice.
35. If the landlord does not serve the Section 45 Counter Notice by the date stated in the Section 42 Notice, the leaseholder can apply to the County Court for a Vesting Order. This action must be undertaken within 6 months. This order effectively takes the matter out of the landlord's control and the Court will likely grant the new lease to the leaseholder and the terms will be as set out in the leaseholder's original Section 42 Notice.
36. If the landlord does serve the Section 45 Counter Notice it will either accept or reject the claim and if relevant, state why the landlord is not willing to accept the offer for the suggested premium. If the landlord is not willing to accept the proposed offer, then the Section 45 Counter Notice will state the lease premium the landlord requires.
37. There is then a further period of 2 months during which the solicitor and the landlord can negotiate. The solicitor will continue to be the conduit for any negotiations between the landlord and the leaseholder, referring counter offers from the landlord back to the leaseholder's surveyor for comment.
38. If negotiations fail, the landlord or the leaseholder can apply to the First-Tier Tribunal (Property Chamber – Residential Property) (FTT), the arbiter of leasehold disputes, for a determination of the premium and the terms of the new lease. Either party can take this action, no sooner than 2 months but within 6 months of the date the Section 45 Counter Notice was served. If the leaseholder does not apply to the FTT within 6 months from the date of the landlord's Section 45 Counter Notice, they will have in effect withdrawn their Section 42 Notice.
39. Once the FTT undertake a determination, they will write to the leaseholder's solicitor to advise how much it's been decided the leaseholder will pay for the extension. The FTT's decision becomes final after 28 days. Therefore, if a leaseholder wishes to appeal to the Upper Tribunal, they have to do so within the 28 days. Typically this would be if the FTT has acted unfairly or did not follow the correct procedures. They cannot appeal simply because they do not agree with the FTT's decision.
40. After the 28 day appeal window is closed and the tribunal's decision becomes final, the parties have two months to enter into the new lease. If the landlord has not fulfilled his duties in this regard, the leaseholder has to apply to the Courts within two months to enforce this.
41. The premium is then paid and legal completion takes place.

42. Typically, the whole process can take on average 3 to 4 months; less smoothly it can take up to a year.

Costs

43. *Leaseholder's costs:*

The leaseholder will be responsible for paying the following:

- The Premium for the lease extension
- Their own Legal fees. NB: Court costs and Tribunal costs will be extra to standard solicitor fees
- Their own valuation fees. NB: Costs for opining on counter offers may be extra to the standard valuation fee
- Their landlord's reasonable conveyancing fees. NB: this will not include the landlord's legal costs for negotiating the price of the extension or for dealing with Court or Tribunal applications
- Their landlord's reasonable valuation fees
- Marriage Value (if applicable)

44. *Landlord's costs:*

The landlord will be responsible for paying the following:

- Negotiation costs
- Any Court Costs
- Any Tribunal costs

The Non-statutory Procedure

45. A leaseholder can agree with their landlord the amount to pay for the extension of a lease without entering into the statutory procedure. This is known as an 'informal', 'open market', 'private', 'voluntary' or 'by agreement' lease extension.
46. The non-statutory procedure, which is outside of the Act, means the leaseholder simply agrees terms with their landlord 'up-front', typically subject to the landlord obtaining valuation advice at the leaseholder's cost and meeting the landlord's reasonable costs.

Advantages

47. As the confines and stipulations of the Act do not apply to this informal process, there are a number of advantages for the leaseholder and the landlord.
48. Unlike the statutory route, a leaseholder can extend their lease without having to wait the statutory 2 years requirement of being the registered owner.
49. The statutory notice (Section 42 Notice) is no longer a requirement and does not need to be served. Instead, an informal letter or email communication from the leaseholder to the landlord will suffice. This also means that time will

not be spent on Section 45 Counter Notices being issued or appeals to the FTT.

50. The terms of the lease extension agreement are not fixed at an additional 90 years; it can be for any length of term up to 999 years. This allows a leaseholder to be able to negotiate a short lease extension, enabling a sale or re-mortgage to proceed at the same time, and therefore not caught by the confines of the 80 Year Rule above, if a leaseholder is trying to sell a property with a lease that has only 82 years left.
51. As many steps and requirements of the statutory procedure have been removed, the overall costs and timescale for the non-statutory procedure should be reduced for both parties. The leaseholder will not have to pay their solicitor any extra Court costs or Tribunal costs, and should they not procure their own valuation, the leaseholder will save the cost of employing their own surveyor and valuation fees.

Disadvantages

52. Unlike the statutory route, all terms are subject to negotiation and this can lead to disadvantages for the leaseholder.
53. The landlord can increase the ground rent which can include increases every 10 to 25 years.
54. The landlord may not offer a favourable lease term and premiums can be for any value.
55. The landlord can also renegotiate existing terms or introduce new clauses and covenants, and increase existing notice fees and interest rates payable under the existing lease.
56. Unlike the statutory route, the landlord is not legally obliged to complete the lease extension, so the leaseholder would be relying on the landlord's goodwill. There are no guarantees the leaseholder will eventually get the lease extension and could stand to lose any money they invest in this process.
57. There is also no assistance from the First-Tier Tribunal (Property Chamber).

Current Approach:

58. The Council will respond to requests from leaseholders to extend their lease in a fair, transparent and open manner.
59. The Council will consider and grant extensions to a lease for all eligible leaseholders irrespective of the application route the leaseholder chooses to follow, provided the processes set out above have been followed.
60. The lease extension criteria for an eligible leaseholder are set out below.
61. At the point a Right to Buy applicant accepts an Offer to lease a flat, the Council provides the tenant and their legal counsel a draft of the Right to Buy lease. This lease only offers the applicant a lease term calculated from the

date the first lease in their block was issued, and as such will be for less than 125 years.

Statutory Procedure

Qualification

62. Under the Leasehold Reform Housing and Urban Development Act 1933, a leaseholder must be a qualifying tenant of a flat in order to extend their lease. A qualifying tenant must have owned the flat for at least 2 years and that lease must have been originally for a period of 21 years or more.

Assigning the right to extend

63. There is a mechanism available to leaseholders allowing them to circumvent the 2 year ownership rule, but it must be done before a lease is sold to a new owner.
64. Any leaseholder who has the right to extend their lease may assign the benefit of this right to a new owner. Therefore, anyone who is interested in purchasing a leasehold property, who intends to extend their lease within 2 years of their ownership, must ensure that the seller assigns their right to extend the lease by a formal deed of assignment.

Procedure to assign the benefit

65. The outgoing leaseholder must have the right to extend the lease (owned the property for at least 2 years).
66. The outgoing leaseholder must serve a valid Section 42 Notice on the landlord.
67. The outgoing leaseholder must execute a deed of assignment and hand this to the incoming leaseholder on completion of the sale.
68. The new leaseholder now has the right to extend the lease, as though they had owned the flat for at least 2 years.
69. This method allows the buyer of a flat to pursue a lease extension immediately after completion of the purchase without having to wait the statutory minimum period of 2 years.

Non-statutory Procedure

70. There is no criteria or qualification required in order to extend a lease when following the non-statutory route. Unlike the statutory route, a leaseholder can extend their lease without having to wait the statutory 2 year requirement of being the registered owner.

Proposal:

71. All lease extension applications will be assessed by the Leasehold Services and Right to Buy Manager. If the required process has been followed the Leasehold Services and Right to Buy Manager will make a recommendation to approve the requested extension to their line manager.
72. The applicant for the lease extension will be notified of the outcome in writing.
73. All Right to Buy leases are to be offered with a term of 125 years.

Complaints:

74. If a leaseholder is unhappy with the service received during their claim to extend their lease, they should follow the Housing Complaints Procedure in order to achieve a local resolution. If this does not prove satisfactory, they can progress their complaint on to the Housing Ombudsman Service.
75. In addition, any leasehold dispute can be taken to the First-Tier Tribunal (Property Chamber – Residential Property).

Monitoring and Review:

76. This approach will be reviewed every three years or sooner if there is a change in legislation.
77. The number of applications for lease extensions, number granted and any other relevant matters will be reported annually to Management Team.

Implications and Risk Assessment:

78. If the proposed changes were not reflected and potential purchasers were merely advised of the statutory process, this would be at odds with our intention to put the customer at the centre of what we do. It could lead to delays, impact on residents and effectively penalise them for wanting to buy their property to get on the housing ladder.
79. If the Council continued to issue Right to Buy leases calculated using the remaining term of the first lease issued in each block, the Right To Buy scheme could no longer be attractive to some tenants, effectively disadvantaging and penalising them, alienating them from the scheme and stopping them from buying their property and getting on to the housing ladder.
80. It is not thought that there are any risks or implications of the course of action proposed. There are no wider impacts on the environment, human rights, staffing, community safety or other areas.

Equalities Impact Assessment:

81. Please see attached Equalities Impact Assessment. There are no arising key issues.

Consultation Planned or Undertaken:

82. No consultation has been, or is intended to be undertaken.

Other Options Considered:

83. Officers have considered not having a non-statutory lease extension approach and simply referring leaseholders to the statutory process. However, the absence of a non-statutory lease extension option makes the process of extending a lease more onerous for the leaseholder and the Council without providing any benefits over a non-statutory lease extension process. Additionally, the non-statutory process provides a faster route to resolution and reduces the direct costs associated with the statutory process.

Reasons for Supporting Option Recommended:

84. Agreeing the proposed change will provide an improved service option for the customer and Council that simplifies and speeds up the lease extension process.

85. The Council reduces its exposure to the cost associated with the statutory route.

86. Agreeing to offer all Right to Buy leases with a term of 125 years will ensure that all of our tenants, current and future, are being treated fairly and equally and are being given the same rights to purchase their homes.

Next Steps in Process:

87. Should the proposal be agreed, all future requests for lease extensions would be offered the non-statutory lease extension option. Right to Buy Leaseholder guidance would be updated to include the Council's non-statutory lease extension option.

88. Should the proposal to issue all Right to Buy leases with a term of 125 years be agreed, Legal will be advised and with immediate effect, all current and future Right to Buy applications will be completed with a 125 year lease.

Conclusion:

89. The proposed non-statutory lease extension option is in keeping with the Council's objective to put the customer at the centre of what we do. It provides an improved service for all parties and reduced associated costs. The recommendation is contained on the summary page.

90. The proposed Right to Buy lease term of 125 years for each and every Right to Buy applicant is in keeping with the Council's objective to ensure that it supports its tenants to take their first steps to home ownership. The recommendation is contained on the summary page.

Portfolio Holder's Views:

Cllr Andrew Buchanan, Portfolio Holder for Housing:

91. The proposals as set out in the report are considered, sensible and will provide more certainty for all parties. I wholly endorse the approach as we seek to put the customer at the centre of what we do. As a responsible landlord we would obviously approach any conversations with residents in this situation with tact and proper attention. No one should be penalised for wanting to make their homes in Ashford and for trying to improve themselves by buying their own home. Therefore I fully support the change in approach and the 125 year Right to Buy lease term.

Contact and Email:

92. Hazel Tillman, hazel.tillman@ashford.gov.uk, 01233 330823

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:
 - (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
 - (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
 - (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
 - (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
 - (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (i.e. tackling prejudice and promoting understanding between people from different groups).
3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership*
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
 - removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.
8. In terms of timing:
 - Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
 - Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
 - The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.
10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:
 - Current serving members of the Armed Forces (both Regular and Reserve)
 - Former serving members of the Armed Forces (both Regular and Reserve)
 - The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:
 - Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.

- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on “Meeting the Equality Duty in Policy and Decision-Making” (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Hazel Tillman
Decision maker:	Sharon Williams
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Service
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	24/11/2022
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>To introduce a non-statutory lease extension process to simplify and improve the options available to the Council's Right to Buy Leaseholders when seeking to extend the term of their lease. To provide each Right to Buy applicant a Right to Buy lease of 125 years.</p> <p>Secure Cabinet approval for the non-statutory lease extension process and secure Cabinet approval for providing each Right to Buy applicant a Right to Buy lease of 125 years.</p> <p>Leaseholders seeking to extend their lease will choose the non-statutory route. Reduced administrative burden for the leaseholder and Council. Reduced costs for the Council compared to the statutory route. All Right to Buy applicants will be afforded the same Right to Buy lease term.</p> <p>All existing leaseholders will have the additional option of the non-statutory route when seeking to extend their leases. All new Right to Buy applicants will be offered a Right to Buy lease of 125 years.</p> <p>Currently we have approximately 240 leaseholders who would have access to the proposed new non-statutory lease extension process. In addition, each future Right to Buy applicant purchasing their flat will be able to buy their home on an equal footing.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	The Leasehold Reform Housing and Urban Development Act 1933, allows leaseholders to claim a new lease upon payment of a premium to their landlord. There are two routes that a leaseholder can pursue to seek an extension to their lease, the statutory route or, the non-statutory route (also known as the informal route).
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? 	None

<ul style="list-style-type: none"> • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	None	Neutral
Mental	None	Neutral
Sensory	None	Neutral
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral

Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	Not applicable
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Is the decision relevant to the aims of the equality duty? Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be 	<p>The non-statutory lease extension process has a neutral impact upon equality for those opting to choose the non-statutory route over the statutory route for lease extensions.</p> <p>To provide each Right to Buy applicant a 125 year Right to Buy lease eliminates discrimination, promotes equality of opportunity and fosters good relations between the Council and its customers.</p> <p>The proposed process and proposed new Right to Buy lease term meet the aims of the equality duty as they do not discriminate or have any impact upon people with protected characteristics.</p>
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<p>made or whether any residual impacts are justified.</p> <ul style="list-style-type: none">• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?	
EIA completion date:	07/10/2022

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Agenda Item No: 12
Report To: Cabinet
Date of Meeting: 24 November 2022
Report Title: Ashford Town Centre Reset - Strategy & Action Plan
Report Author & Job Title: Andrew Osborne, Head of Economic Development
Portfolio Holder Cllr. Nathan Iliffe
Portfolio Holder for: Economic Development



Summary:

There has never been a more important time to set out a clear focus and strategy for Ashford Town Centre. We know the impact that the Covid-19 pandemic has had on our High Street, and we understand the challenges that our Town Centre residents, businesses, users and community groups still face. It is therefore vital that we continue to invest in carefully thought-through innovative ideas and solutions to help bring about significant change, for the benefit of all.

The Council commissioned consultants Milligan to undertake a detailed research into the town centre and take forward the prioritisation of areas of impact within the town centre that would help shape new actions over the next 3-years. This has resulted in the production of the Ashford Town Centre Reset Strategy.

Officers have already successfully responded to the principles of the strategy by delivering some small scale pilot interventions which has brought about positive improvements for the town. Accompanying the strategy is an Action Plan of suggested projects to be delivered over the next 3-years, highlighting resource requirements, including identifying use of new and existing budgets, UK Shared Prosperity Fund allocations, as well as use of timely Section 106 agreements to improve the vitality and viability of the town centre.

The Town Centre Reset Action Plan will be delivered alongside the large-scale strategic town centre projects such as the regeneration of the former Odeon building and the masterplanning of the redevelopment of Park Mall shopping centre, which sit outside of this Action Plan.

It is estimated that an additional £1 million is required through to March 2025 to support the delivery of the Town Centre Reset Action Plan, and it is suggested that this is funded through Section 106 funding and UK Shared Prosperity funding to improve the vitality of the town centre.

Key Decision:	YES
Significantly Affected Wards:	All wards, and more significantly for Victoria.
Recommendations:	<p>The Cabinet is recommended to:-</p> <ol style="list-style-type: none"> I. Adopt the Town Centre Reset Strategy and note the key strategic priorities II. Adopt the Town Centre Reset Action Plan and approve the recommended financial commitment as set out in the Action Plan from the range of identified funds to help deliver a programme of project activity, physical interventions and outputs.
Policy Overview:	<p>Town Centre Reset – including the revitalisation of our High Street is a ‘Super 6’ project, and a key component for delivering against our Corporate Plan 2022-24 which highlights the need to: Stimulate a vibrant, accessible and sustainable Town Centre for residents, visitors and business (TG5).</p> <p>There are a multitude of opportunities and benefits that a Town Centre Reset can support, promote and deliver against including: Increasing productivity and job opportunities (TG1) and Supporting growth in the visitor economy (TG4) to ensure our town centre is lively, safe, and where people of all ages live, work and visit, to come together and to enjoy events and activities.</p> <p>The projects set out in the Action Plan do not include the existing large scale strategic Town Centre projects such as the former Odeon building & Park Mall redevelopment, which will be delivered alongside these interventions as part of the overall Town Centre Reset Strategy.</p>
Financial Implications:	<p>The cost to deliver identified opportunities is estimated at £3,114,493 over the course of 3-years (current financial year, 2023/24, 2024/25) from the range of identified sources including existing Council budgets, UK Shared Prosperity Fund allocations, and Section 106 agreements specifically allocated to support the vibrancy of Ashford Town Centre.</p> <p>These allocations are based on the current estimates for budget allocations and officer staffing resources for the Council for 2023/24 and 2024/25. With the budget process currently underway for 2023/24 and not yet approved, and with a challenging economic climate where savings will need to be made over the next few years, there is a risk that not all budgets and resources will be available for all projects moving forward if changes to the estimates are made that affect the projects in the Town Centre Reset Action Plan. Any implications will need to be reported through to the</p>

Council as part of the budget setting process.

Legal Implications: Project delivery will include officers working in close partnership with town centre stakeholders and partners to bring about the recommended change. Some projects may require partnership and funding agreements, changes in traffic orders, planning permission, as well as the usual tendering and contracts with a variety of contractors.

Equalities Impact Assessment: Many of the areas of deprivation that exist in the Borough are within the Ashford Urban Area and within the town centre. The Town Centre Reset Strategy and associated activity, would help regenerate the town centre, creating the right environment for business growth and thus job opportunities as well as potentially improving the access to services for residents.

Data Protection Impact Assessment: N/A

Risk Assessment (Risk Appetite Statement): The action plan will require additional resources to be allocated outside of the Council's existing budgets to take forward these projects. The Section 106 and UK Shared Prosperity Funding will need to be secured and approved to ensure the full project action plan can be implemented. The Council is currently awaiting the response to its UK Shared Prosperity Fund Investment Plan submission from central government.

An internal corporate officer group has already been set up to look to take forward immediate interventions in the priority Town Centre areas this year. There are resource considerations in: Economic Development; Corporate Property; Parking, Highways and Transportation; Grounds Maintenance and Aspire; Communications; and Urban Design, which will need to be allocated to this project in order to take actions forward. There is a risk through the budget setting process over the next few years and pressures from other projects, that not all internal resources and budgets will be available to take forward the Town Centre Reset Action Plan, with the requirement for the Council to make savings. If internal resources are not available, this could cause delays or require projects to be put on hold within the delivery programme set out in the Action Plan.

Sustainability Implications: This strategy acknowledges its vital role in providing innovative responses to current sustainability challenges, whether it's linked directly to the Council's 'Green Pioneer' theme, or wider sustainability issues such as access to social infrastructure, economic inequality, health and wellbeing or public safety. The strategy and action plan highlights clear sustainability opportunities to be taken forward (i.e Electric

Vehicle Charging Points, and new use of public spaces).

Other Material Implications:

Continued support from key officers, across all departments, is required for the successful delivery of the Action Plan. This has been raised as a risk if this resource is not available to deliver out the projects set out in the Action Plan.

Exempt from Publication:

N/A

Background Papers:

The Cabinet approved an initial Town Centre Reset document for Ashford Town Centre in November 2020. This set out the priority areas for Ashford Town Centre as the areas around Bank Street and Elwick Road. This new Ashford Town Centre Reset Strategy (see Appendix A) evolves this earlier document, developing the themes and focus areas.

Appendix A – Ashford Town Centre Reset, Strategy and Projects Autumn 2022

Appendix B – Ashford Town Centre Reset – A Plan for Action

Appendix C – Equality Impact Assessment

Contact:

Andrew.Osborne@ashford.gov.uk – Tel: (01233) 330 612

Report Title: Ashford Town Centre Reset - Strategy & Action Plan

Introduction and Background

1. High Streets have been seeing considerable change over many years with the increase in online shopping, movement by retailers to out-of-town retail parks, and the closure of many department stores and brands. Ashford has been affected like many High Streets up and down the country with the closure of Debenhams and Marks and Spencer in Ashford town centre along with other retailers, and then the impact of the COVID-19 pandemic on the retail and hospitality trades. In recent years Ashford has also seen the introduction of new eateries, a cinema and hotels within the town centre to respond to this diversification of offer, but Town Centres will need to evolve and innovate moving forward in order to provide a destination and focal point that attracts residents to meet, for face to face services, retail and entertainment to be provided and for businesses to thrive.
2. The last few years have seen online sales increase from 19.1% in Feb 2020 to 25.3% in Sept 2022, peaking at 37.8% in Jan 2021 due to the COVID restrictions. The COVID pandemic has sped up this change in the way people purchase goods and access services, with Town Centres now challenged to respond to these changing habits.
3. The increase in inflation and cost of living crisis has also impacted the recovery post-covid, with retail sales only just getting back up to pre-covid levels, and footfall in high streets also only now recovering to pre-covid levels (2019). Ashford's footfall on the High Street has bucked this trend with figures showing a 20.9% increase in footfall year to date in 2022 compared with 2019. This shows that people are still engaging with Ashford Town Centre, which provides opportunity if the offer and environment can be improved.
4. What is clear is that the space required for retail in town centres is shrinking, vacancy rates in retail and leisure premises in Ashford Town Centre stands at 15.5% in July 2022, above the national average of 11.2% and considerably above the Ashford Town Centre low of 8% in 2017. The Town Centre Reset will need to seek to support this evolution of the market place, creating the right environment for businesses and residents to come together to provide a place that people visit and where businesses and organisations can thrive.
5. The Cabinet approved an initial Town Centre Reset document for Ashford Town Centre in November 2020. This set out the priority areas for Ashford Town Centre as the areas around Bank Street and Elwick Road.
6. The Cabinet agreed to the development of an action plan to take forward the Town Centre Reset aspirations. This was also supported through projects identified in the Ashford Recovery Plan 2020.

7. Using part of the Welcome Back Fund provided by Government to support Town Centres to recover from the Pandemic, the Council commissioned Milligan to undertake more detailed research into the town centre and take forward the prioritisation of areas of impact within the town centre that would help shape new actions over the next 3 years and shape longer-term plans for Ashford Town Centre.
8. This work was undertaken between the autumn of 2021 and the spring of 2022. This has resulted in the production of the Ashford Town Centre Reset Strategy document which is appended to the report as Appendix A.
9. To test out some of the principles set out in this draft document, and to keep up momentum, the Council has already implemented some small temporary interventions in the town centre. The 'Parklets' installed in Bank Street and Middle Row for a 10 week pilot period between August and October 2022 aimed to change the perception of these areas, taking parking spaces and re-purposing them for the public to use as places to sit and dwell, offering food outlet businesses more outside seating space, enabling the Council to test this concept so that the results can inform future interventions.
10. The experience and feedback to this project, which included additional street bunting and decoration to empty shop windows has been collated, and officers across the organisation have continued to respond to the public feedback and the over-arching themes of the strategy to draft an Action Plan of suggested projects to be delivered over the next 3-years (attached as Appendix B). This plan outlines key opportunities to meet identified needs of the Town Centre; highlights staff and financial resourcing; and ultimately sets a new, clear and exciting direction of travel for the Town Centre.

Proposal

11. It is recommended that Members adopt the Ashford Town Centre Reset Strategy (attached as Appendix A), endorsing the suggested Strategic Priorities, Action Areas, and Type of Action. Members are also asked to adopt the Town Centre Reset Action Plan (attached as Appendix B), noting the range of projects, and budget allocation.
12. The Strategy suggests four key intervention areas which are:
 1. **The T (Priority)** – the junction of Bank Street, High Street and Middle Row as a key connecting point in the heart of the town. This area is proposed to become an area embracing independent boutique retail and eateries, becoming the core of the wider commerce and business districts.
 2. **Lower High Street** – providing improvements to compliment the proposed development of the Former Odeon building. This area will see the development of cultural, community and entrepreneurial space, alongside neighbourhood commercial, utilising the great potential public realm in the Lower High Street area.
 3. **Lower Bank Street** – considerations for a more pedestrian sensitive bus and transport core. This area will need to see improved and upgraded public realm over time

4. **Elwick Place** – continued focus as the leisure core to the town centre, with the Cinema and eateries making this a key destination during the day, but also importantly into the evening.
13. The report highlights “The T” as the area for immediate and concentrated effort, setting the challenge to reveal and uncover its natural character, to improve signage and activate blank walls, as well as creating new contemporary and colourful solutions, including introducing new greenery and seating within the public realm to support biodiversity, local business, and becoming more pedestrian friendly.
14. Officers have already started to respond to this challenge by delivering some small scale pilot interventions in Bank Street and Middle Row which has brought about positive improvements for the town. A survey of local businesses recently conducted tells us that they would want the scheme to return again next year, to be implemented earlier, and to be in place for a longer period of time. Alongside this, a programme of successful events and festivals (Ashford Events & Festival Framework) has enlivened this area with performances and associated decoration. Underpinning all of this positive town centre output are the promotional tools and platforms ‘Love Ashford’ and ‘Ashford For’.
15. From the broad suggested ideas and initiatives recommended by the consultants Milligan, ABC officers have identified key priority actions to focus on, to continue on with the transformation, identifying resources and timescales in a Town Centre Reset Action Plan. These proposed projects include integrated play; feature lighting; the suspension and reuse of parking bays in Upper Bank Street and Middle Row again in 2023, with longer-term plans developed; a study of vehicle usage beyond the Bank Street barrier, and review of the barrier itself; a Town Centre Shop Empty Premises Grant Scheme; Streetscape improvements to the area around the Band Stand; and a Street Art Event.
16. The Action plan is being considered as part of the projects to be delivered under the UK Shared Prosperity Fund allocations, and will seek to deliver Section 106 budgets to improve the vitality and viability of the town centre.

Finance and Resourcing

17. To maximise available resources, a cross-department officer group has considered officer resourcing and are seeking to fund many of the projects from a range of sources including existing committed budgets, allocations from the UK Shared Prosperity Fund, and identified Section 106 provision.
18. Key to the success for delivery is demonstrating value for money and supporting the key strategic developments being brought forward within the town centre, creating a strong investment plan, in line with the council’s commercial approach.
19. The budget within the Town Centre Reset Action Plan (attached as Appendix B), shows that these projects can be funded through the Council’s existing budgets alongside S106 and UK Shared Prosperity Funding. The overall

estimated spend in this financial year and through to March 2025 is £3,114,493 from these range of funding sources.

20. A potential challenge will be the requirement for officer time and resources to deliver this action plan over the next few years with the continuing pressure on the Council's financial position and medium term financial planning due to reduced funding and inflationary cost increases, and the requirement to make savings. Impacts on the resourcing of teams to deliver these actions, or on core budgets that support the town centre, could result in the delay or reduction of the scope of the delivery of the Town Centre Reset Action Plan.

Equalities Impact Assessment

21. Members are referred to the attached assessment, which highlights the positive impact the Town Centre Reset Strategy and Action Plan aims to have in helping to revitalise, enhance, and improve the town centre by defining key points and locations where investment is needed to serve all the communities, residents, workers and visitors.

Consultation Planned or Undertaken

22. Officers have worked with consultants Milligan, alongside specialist research teams and leading place making consultants to define and frame the objectives of the Town Centre Reset Strategy. An initial Town Centre Reset document was approved by Cabinet in November 2020 following considerable consultation through roadshows and consultation surveys. These priorities have been incorporated into the new strategy. The delivery and development of the strategy and action plan will require continued consultation with key partners such as Kent County Council, as well as with residents and businesses.
23. As part of the development of this evolved strategy, Milligan led extensive consultations and workshops with appropriate Members and Officers who have a town centre stake, and many of the suggested projects in the Action Plan have come directly from these discussions.
24. Since then some early pilot projects have been implemented in consultation with local businesses, as well as discussed in recent Town Centre Business Forums. All this has helped to shape a more focussed and achievable Town Centre Reset Action Plan for the next 3-years.

Other Options Considered

25. We know that the Covid-19 pandemic and lockdowns had a devastating impact on Town Centres and High Streets up and down the country. We also know that the current economic climate will continue to present significant challenges for many of our Town Centre partners and stakeholders. To 'do nothing' would likely accelerate the ongoing negative national Town Centre trends.
26. The Town Centre Reset identifies a number of areas that require improvement and intervention, and these areas have had to be prioritised to

focus available resources over the next few years. Other options could be to focus these resources on other areas, but it is recommended that these resources support the revitalisation of the core “T” area of the Town Centre within this next phase of interventions. The Action Plan considers available resources and prioritises those actions that can be resourced within suggested budgets, and initiatives that continue to meet the needs of our residents, businesses and visitors alike.

Reasons for Supporting Option Recommended

27. The Ashford Town Centre Reset Strategy is a high-level strategic document that considers incremental regeneration activities able to be delivered within a 3-year time frame. The research in this document evidences the remarkable transformation that Ashford has already undergone over the last few years. The research also uncovered very exciting and much needed opportunities for further change. With the Town Centre reset positioned prominently within the Council’s Corporate Plan, and part of the new ‘Super 6’ campaign – now is the ideal time to adopt this holistic approach, and accompanying Action Plan to accelerate Town Centre change, alongside all of the other transformational initiatives around the borough.

Next Steps in Process

28. Key steps will include promotion of the strategy and action plan with businesses, residents, and local town centre groups following Cabinet approval, as well as implementing some early interventions to keep the momentum going from recent summer projects.
29. Project briefs and procurement documents for the suggested activity and commissions will be developed.

Conclusion

30. This evidence-based ‘Reset’ Strategy sets out an incisive starting point for the next stage of development and regeneration of Ashford Town Centre. The Action Plan recommends a balanced mix of activity with a clear delivery approach, and suggested budget available, supporting the Council’s Corporate Plan as a ‘Super 6’ project.

Portfolio Holder’s Views

31. “As the borough council, we recognise our role as an organisation that can foster our town to be an even better place in which to live, work and enjoy. This strategy provides a framework for making the town as attractive and dynamic as it can, and should be. However, we believe that we are all stewards of the places in which we live and work. We all, therefore, have a role to play. We also have to accept that no single, short-term intervention can effect this change. Therefore this ‘Reset’ Strategy and associated Action Plan builds upon the work that has already been undertaken to kick-start the regeneration of Ashford Town Centre, and provides a range of scalable options, suggested activities and practical steps which can be used to help facilitate further growth and improvements. To be successful, we must be brave, ambitious, and distinctive. This Strategy and Action Plan is clear about

what we stand for; it highlights what gives Ashford Town Centre its identity and how we can build on its strengths; and it intends to galvanise our community and stakeholders to help and support us in prioritising and delivering these actions over the months and years to come”.

Cllr Nathan Iliffe, Portfolio Holder for Regeneration and Economic Development

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Ashford Town Centre Reset

Strategy and Projects

Autumn 2022

Milligan
with
Allies and Morrison,
CACI and PRD

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Precis

Ashford Town Centre Reset is a research and town centre strategy initiative set forth by Ashford Borough Council in 2021/2022.

The reporting of this initiative rests in two volumes:

- Ashford Town Centre Reset Project Handbook Volume 1
- Ashford Town Centre Reset Project Research Volume 2

The project was funded by The European Regional Development Fund, HM Government and Ashford Borough Council.



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Executive summary

The Ashford Town Centre Reset Strategy and Projects Report is a high-level strategic document that considers incremental regeneration activities able to be delivered within a 3 year timeframe. This is an effort with a focus on areas for regeneration for Ashford Town Centre which has been funded by the Welcome Back Fund. The aim and vision is to help revitalise, enhance, and embrace the intent for town centre regeneration by defining key points and locations where investment will create a vibrant, connected, and improved town centre which serves all its communities, residents, workers and visitors.

Ashford Borough Council (ABC) have worked with developer Milligan to define and frame these objectives working with leading consultants and specialist research teams to craft the strategy and list of suggested projects. The Plan focusses on short, medium and near-term development and public realm improvement strategies allowing ABC to achieve its ambitious and exciting vision.

The primary area of focus for the project comprised the collective of both Lower and Upper High Streets, Bank Street to Elwick Place and Elwick Road. This collective forms the backbone of the four active nodes of the

town centre:

1. The commercial heart of town and the "T" which is comprised of The Upper High Street, Middle Row and Upper Bank Street
2. The entertainment and leisure district in Lower Bank Street and Elwick Place
3. The independents, start-ups and cultural quarter
4. The emerging academic district. The study proposes that initial efforts and investments focus on the "T".

The first stage of work ran from September 2021 – December 2021 and focussed on data collection and research, collecting data and insight which would help inform strategic, evidence-based recommendations for ABC's Town Centre. Compiling the evidence-based research set a critical basis of understanding for the project and ensured that Ashford had an incisive starting point for the next stage of the Town Centre Reset strategy plan.

The research evidenced the remarkable and successful transformation that Ashford had already undergone over the last few years. The research also uncovered very exciting opportunities for further change. So despite a term of incremental successes, the research



demonstrated that ABC has an opportunity to do and embrace more change. It was time to adopt a holistic approach to accelerate the transformation of the Town Centre alongside all other greater Ashford initiatives that transforming areas outside of the town.



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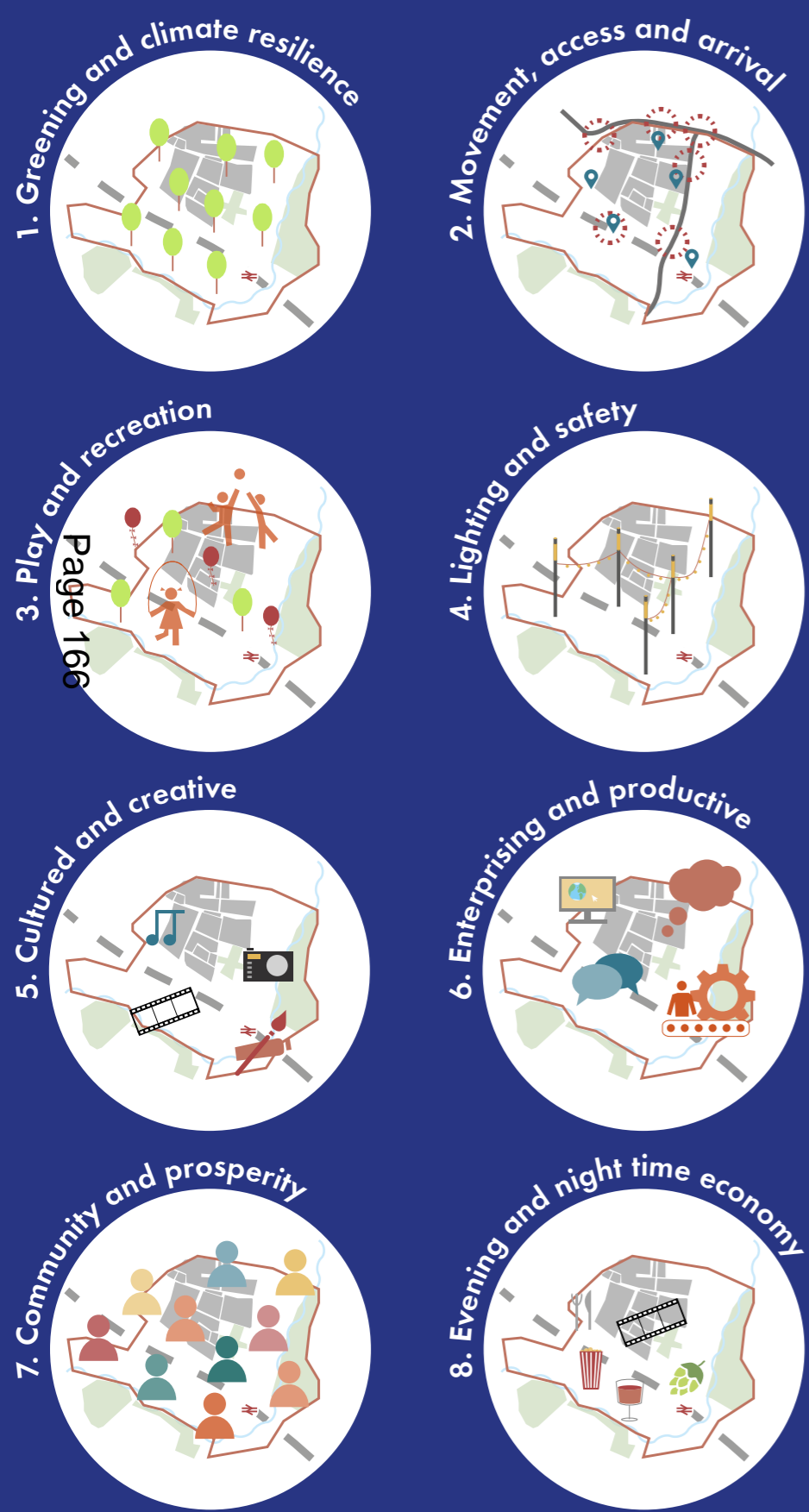
5 Action areas

Embracing the town centre successes, the team proposed that they be seen through a newly defined polycentric mapping of the town centre that would foster consolidation of uses where required, defining of activity and engagement districts and bring clarity the proposed new activities and uses that support those districts. The research highlighted 12 key points of differentiation for Ashford which are shown below and are outlined in more detail within the document.

- **Leadership** – the evolution of the town centre will require ‘ownership’ and a champion to lead the transformation.
- **Initiative formed by success** – bring the polycentric and individual developments into a cohesive, thriving community plan.
- **Strategy** – short-, medium- and longer-term transformational regeneration is required.
- **Adaptations** – to attain short term and medium term change, existing fixed assets would be best used to reposition and renew the town centre fabric and occupiers. We suggested ABC should to promote, in partnership with owners, an immediate and comprehensive regeneration of select buildings and sites to accommodate the growth needs defined.

- **Socio-cultural** – ABC should provide leadership in the delivery of a more curated, cultural and learning offer.
- **Demographic** - The town centre visitation comes from a wide spectrum of demographic and thus ABC should foster and grow the engagement of all these groups ensuring an evolving and engaging diversity in users and visitors.
- **Business and Offices** - The region shows evidence of significant business growth and thus the town centre must do a much better job at supporting the existing and attracting the emerging businesses.
- **Residential** – The town centre must become a living place, a place for young adults, early adopters and first home investors to live, work and enjoy.
- **Commercial** – A clear strategy of consolidating and redistricting the commercial map of the town centre needs to be developed with a mission to reduce/redefine retail footprint and then strengthen smaller, use specific areas of stable retail that are rights sized to the market.
- **Hospitality** - The Town Centre holds opportunity for growing both the leisure and the business hotel offer.
- **Cultural** - Ashford is a centre of gravity for creativity and cultural production in the region. The town centre has a role to play in serving as a platform for these activities, ensuring that their economic and social potential is maximised.
- **Transport and Parking** - there is a definitive need to clarify a Town Centre Parking, Traffic and Transport Strategy.

Strategic priorities



The second stage of work looked at analysing the research collected in order to frame and develop **Strategic Priorities** for ABC to initiate in Ashford Town Centre. The work produced over 100 outline suggested projects to be considered, prioritised, and focussed down to a manageable size of realistic projects ready for adoption. These suggested initiatives are largely small to modest scaled interventions, as the challenge was to identify actions that could be taken in no more than three years, which ruled out a new building programme of note. Therefore, the strategy of delivering multiple, smaller tasks to achieve substantive change has been adopted.

From the broad list of initiatives, ABC identified key priority initiatives to focus on, which will start the transformation to the community:

- 1. Integrated play** – finding multiple physical and operational ways to make the Town Centre ever more a family friendly destination.
- 2. Upper Bank Street transformation** - eliminating car parking, introducing seating and planting and street food alongside activation of vacant shopfronts to create relaxing, urban setting.

- 3. Lighting** – bring animation to the buildings and streets with a diversity of lighting strategies . initially the lighting of trees and landscape.
- 4. Bank Street Barrier** – an initiative to remove a street barrier and caretaker hut and by closing the street to active traffic allowing disabled parking only.
- 5. Shop frontage improvement grant** - continue and expand the existing town centre shop improvement grant programme, helping owners to freshen their commercial frontages and signage.
- 6. Blank walls and murals** - ABC adopted the proposed initiative to address blank walls and building surfaces by introducing murals painted by local artisans.
- 7. Band stand improvements** - central to the Upper High street is an historic band stand whose setting, environment and accessibility needs improvement to promote more frequent use.

The first three projects are seen as vital to improving and enhancing the Town Centre. These three projects aim to be integrated into the Town Centre as quickly as possible. The next four projects are priority projects but will take a bit more time to implement



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therefore will be developed after the initial three. These projects provide ABC with a clear action plan of strategic objectives that have been developed via the evidence-based research. Once these projects are successfully integrated into Ashford, ABC will look to provide a further list of the next priority projects for Ashford Town Centre.

The impact of this plan will be significant in guiding Ashford's Town Centre regeneration in a rapidly changing market. ABC are a significant investor in the Town Centre and this work contributes to strategic priorities already defined in the Pandemic Recovery Plan and the emerging New Town Centre Corporate Plan.





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Introduction to project and team

Introduction to project and team

Professional Team

The team assembled to embrace the Town Centre Reset Challenge combined the necessary skills of data analysis and understanding, commercial expertise and experience, and creative design and planning. The initial stage of work focused on a deep dive research effort to understand the challenges and opportunities. This was followed by a context-led and sensitive strategy response to guide the delivery of transformational interventions.

The team was comprised of;

Milligan Ltd – urban strategists and property development professionals;

Allies and Morrison – regeneration specialists, urban planners, public realm designers and architects;

CACI Ltd – human behaviour/social behaviour analysis in demographic, affluence, income, behavioural, and catchment data to deliver valuable insights;

PRD – provide socioeconomic and macro economic assessment for investment strategies for places, partnership and delivery structures, impact monitoring and evaluation, and asset strategies for social value;

Gleeds – providing high level cost management and delivery strategy

Timing and required outputs

The Town Centre Reset review and strategy effort was set to run for a 6 month term, completing by the end of March 2022.

The output was to be a “Business Plan” that was framed over a three year window and outlined a layering of strategic initiatives that would address short term, medium term and long term initiatives with the intent of being able to show aspects of change in the Town Centre from shortly after adoption of the plan.

It was recognised that more complex development based initiatives would only begin within the three year window and carry on for years after as each project required.

The team decided that given the project centric and essential delivery requirement of the findings, the final report would be best less traditional business plan and more a very agile “Working Handbook” of insights with flexibility to support a heady pace of delivery.

Methodology and Process

A demand of the Town Centre Reset challenge was to assure that all strategic recommendations were founded in and defined by evidenced based research.

Therefore the team adopted the overall fixed six month term of the process and divide it in two:

- three months in research, knowledge search and collective understanding and then based on these learnings;
- three months assessing transformational change, devising implementation strategies and setting in place process and scope to deliver them.

The output the team positioned for each aspect of the delivery programme will be of a strategic and conceptual nature. Each specific delivery will require the appointment of leadership and a team to detail the effort and deliver it to completion.

The team have endeavoured to provide very high level scoping costs of key initiatives so as to inform decisions and the future positioning of delivery strategies.



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Evidence-based insights



1.1 Insights

Town Centre Reset - ABC Objectives

The Town Centre Reset (TCR) seeks to consolidate areas of focus and investment in Ashford town centre. Focussing on the market investment demonstrated around the International Station in the past 5 years, this report focusses on defining an investment corridor stretching from the International station, through Elwick Road and up to Bank Street. Corporate, cross-departmental projects will be identified to realise these ambitions. This will identify delivery, investment and areas of opportunity to show a clear direction of travel for the future by defining 5 key themes;

1. The influence of the International station
2. Key destinations
3. The declining role of retail
4. The role and type of residential use
5. The role of community & the cultural offer.

The primary purpose of this study is to consider the role the Council can play to directly influence any 'reset' for the traditional town centre area so that it can remain relevant within the wider context.

It is clear that the traditional town centre area needs to provide an offer that complements offers elsewhere, and must adapt to survive. This has been the case for some time. That is not to say retail and leisure uses won't have a role to play, it is more that they need to diversify and create a place that can meet the everyday needs of the surrounding communities. A place to live, work, visit and invest. This document takes into account developments already identified and being taken forward in the town centre and its surrounding areas such as; Newtown Works, Park Mall and Vicarage Lane.

New Ashford residents will create greater demand for independent shops, start-up enterprises, cafes and eateries. But the Council must understand where to intervene, where stimulus can be created, and where partnerships can be most powerful. The Council are well-placed to help facilitate this 'reset' with the ability to influence both private and public sector stakeholders.

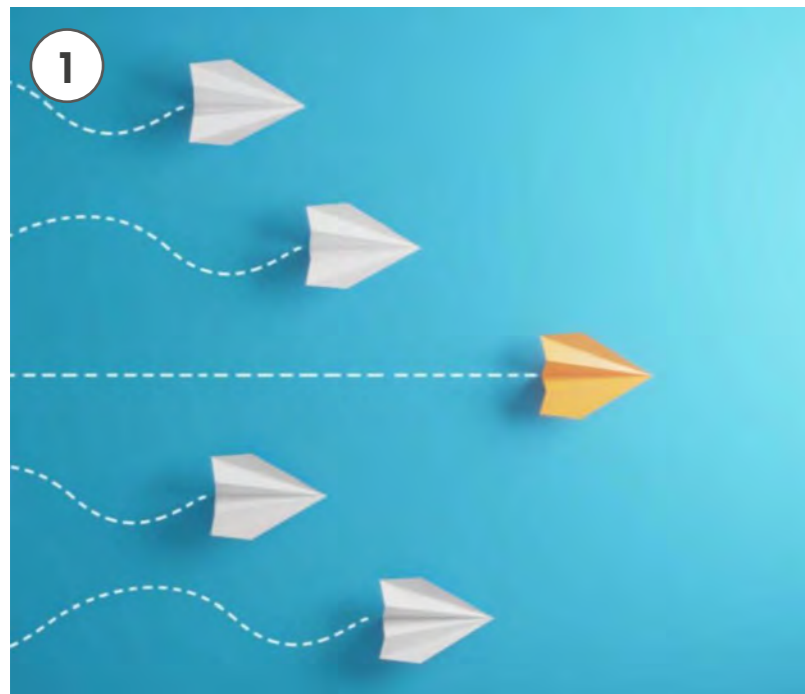
Evidence Based Urban Strategies

An obligation of the Council proposition to the delivery team was to, through concerted research, make strategic recommendations that were evidence based.

Our teams used multiple and various digital and traditional research tools in the first three months of this six month effort to nurture a deep and rich understanding of the Ashford marketplace, the behaviours of it's residents, consumers, visitors and families. Our research efforts uncovered a regional community of remarkable depth for it held a rich and valuable diversity of age, culture, education and business focus. Ashford had to this time been exceedingly successful in delivering select projects. Our research suggested that when the energy of individual project missions is brought to a Town Centre wide mission, there is great, great transformational success to be had.

Research Insights

The high level findings of our research is represented in the following 12 key points of differentiation for Ashford.



Leadership

The Leader of the Council made clear this effort was not to be another Master Plan but more a workplan of initiatives and projects with distinct objectives and deliverable missions in regeneration.

The challenge and clarity in mission shared has within this effort has delivered a series of research and evidence-based initiatives, with distinct objectives, to be undertaken at pace and with vision and leadership

This plan will require "ownership" to be realised. The objectives are brave and the scope of work immense, yet the fruits of success will be sweet. What is required to manifest this success is the voice of a singular or collective leadership that owns the narrative of the plan, espouses a passionate belief in the plan and that owns the authority and ability to work through all to deliver the plan.



Initiative formed by Success

Ashford have made good progress developing elements of the town centre, yet it is now time to bring these polycentric and individual developments into a cohesive, thriving community.

It is now important to weave those success stories together, engage with the wider town centre and build upon other opportunities that exist - forming community. Through research we learned that the self-perception of Ashford often belies the reality. Ashford and the Town Centre have manifest many success stories, created grand opportunity and delivered on many a promise . . . yet there are threads of low self-belief, limited self-adulation and very little singing from the rooftops. This plan, when embraced by focussed leadership, intends to bring together the voice of all the success already owned and use message of it to be catalyst and inspiration in delivering the vision herein.



Strategy

This mission requires short term, medium term and near-term transformational regeneration.

The only manner this can be achieved is to work primarily and entirely with properties and places and practices wherein ABC hold substantive control of.

Focus short term initiatives on promotional and policy based adaptive change opportunities. Focus medium term and near term initiatives on land or buildings owned and controlled - Vicarage Lane, Park Mall, Elwick Place.



Adaptations

The Town Centre must exhibit regeneration transformation soon, in the very near term.

New development takes time to design and plan and deliver - too much time for this initiative. Ashford Town Centre enjoys a very lovely Victorian/Edwardian built fabric. We know people wish to live, work, office and enjoy in the Town Centre today, thus answering that need today is an imperative.

The plan outlines an initiative for the ABC to adopt which promotes the immediate and comprehensive regeneration of the upper floors of many of the lovely buildings in the high streets. It promotes them to be early adopter residential or small, economical yet modern workspace and offices. This initiative alone will be a most important catalyst to initial transformative regeneration.

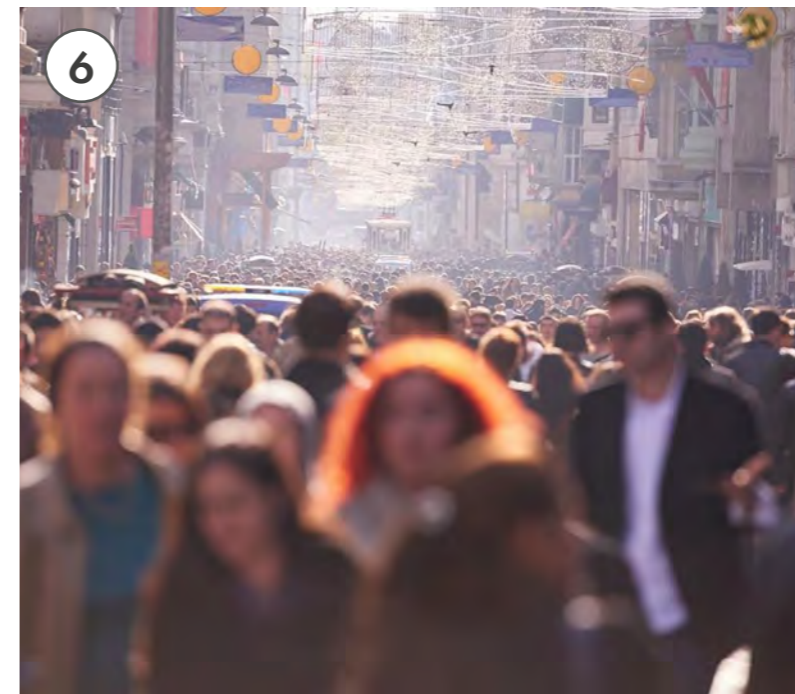


Socio-Cultural

Ashford enjoys a catchment of huge potential with a diverse, discerning population.

The broader community of Ashford Borough and nearby Kent exhibit a proportionally large level of higher disposable income families that to some degree visit Ashford Town Centre already.

To make Ashford Town Centre more attractive to the regional demographic this effort must bring a richer and more complete community with a more curated commercial offer, new residential, more offices and a greater cultural and leisure base.



Demographic

Ashford visitor profile has become more affluent. The town centre population has grown by 36% in ten years with a 45% growth in those aged 25 - 66. Of all visitations to the greater borough, 48% visit the town centre. The Town Centre Visitation is nearly evenly split between the top 5 Acorn categories and the bottom 5, suggesting a rich balance of demographic.

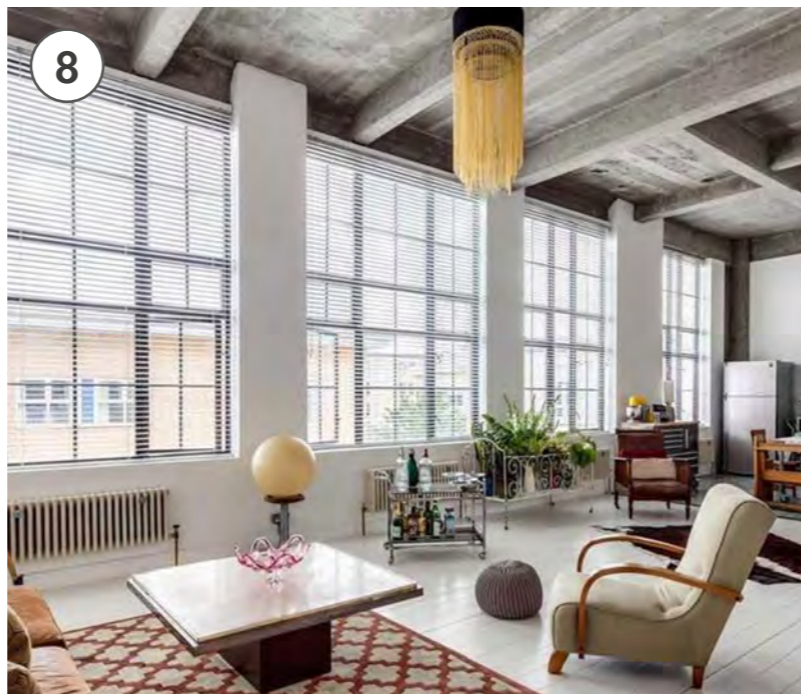
The Town Centre must provide greater depth and richness at all levels of demographic offering to earn the best from this visitation. Introducing more town centre residential - either repositioned or new - that caters to the middle income is important. The knowledge industry, creative community and start-up community exists and is growing exponentially, whilst economical occupancy alternatives, professional business support networks, business culture practices and residential opportunities provided in the Town Centre are lacking. The town centre must also now commit to reintroduce a cultural soul to the town centre to support those cultural industries that thrive there.



Business and Offices

Ashford is a regional business hub supporting the head offices of many emerging companies which in turn are supported by an emergent hospitality sector.

Ashford comprises the 9th largest economy in the southeast. Ashford has seen a 22% growth in business locations since 2015 and overall are home to nearly 30% knowledge industry companies. More importantly in 2020 Kent and Ashford showed a 32% uplift in the registration of new businesses, signalling a strong marketplace for innovation and entrepreneurialism. The Town Centre must do a much better job at catering for existing and emerging businesses. Modern, contemporary and flexible office spaces within the heart of the town, enveloped in a business culture setting that fosters their growth. The Town Centre is woeful in support for the emerging and growing new businesses and must provide flexible, small and economical office space.

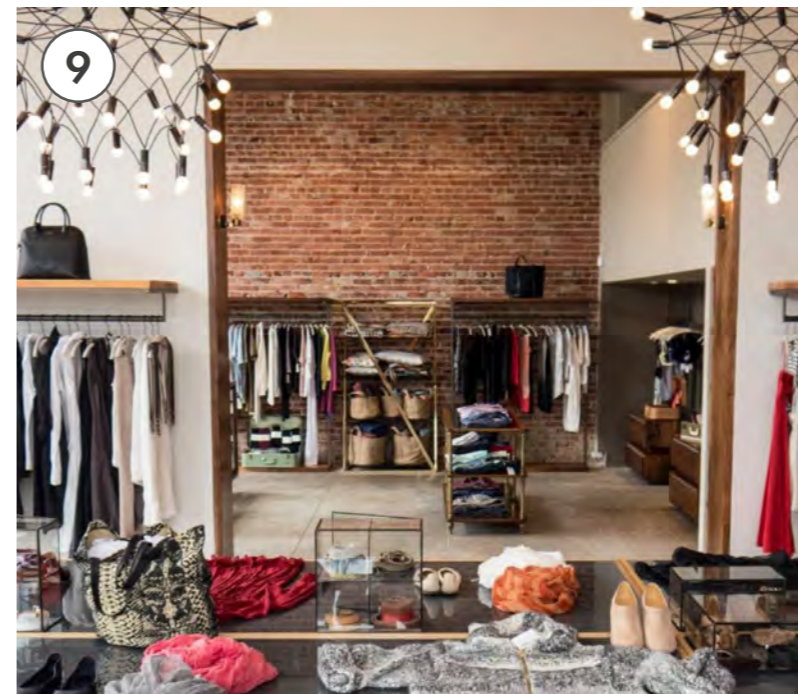


Residential

Ashford town centre must become a place for young adults, early adopters and first home investors to live, work and enjoy.

Greater Ashford has considerably grown in residential terms over the past decade. There are over 13,000 homes that are either in construction, have been granted planning, have submitted planning, are awaiting determination or within the Local Plan allocations in Ashford. Despite the large number of homes being built or due to be developed in the coming years, most of this development is planned for areas out of the core Ashford Town Centre - defined broadly as the High Streets, Bank Street, Elwick Road and Station Road.

This plan must make Ashford a very special town to live in. It should weave in homes for the young business entrepreneurs who otherwise leave; homes and flats for the growing number of young adults wishing to move away from the larger cities and for the mature population wishing to find a vibrant and exciting community to retire in.



Commercial

Ashford is used by many people in many different ways attracting a variety of visitors & independent brands to the new town centre.

There is a rise in localism with more people visiting their local high streets. This provides another opportunity for Ashford to embrace, enable and transform. Ashford holds more commercial space than it needs. The commercial marketplace is shrinking fast and the mall and high streets are challenged by it with swathes of empty fascia's

This plan outlines a strategy of consolidating and redistricting the commercial map of Ashford Town Centre with a mission to strengthen smaller, broader areas of stable retail offering.



Hospitality

Ashford is known as a business hotel destination and in locations on the periphery enjoys a handful of business hotels with meeting and event capacity.

Yet with the International Station, being a multimodal portal to Kent, a spring board to Europe and having the regional draw of the Outlet one would imagine a modest offering of a more boutique, tourist offer.

This plan feels that growing the business hotel offer in the Ashford perimeter, where it largely exists, is prudent.

As the Town Centre begins to transform, there may well be a growing opportunity for smaller, more specialised and diverse offers in short and long term hospitality.



Cultural

Cultural endeavours, interests and passions live deep within the Ashford community yet they crave support and place that will bring their exciting experiences to a more formal setting in the Town Centre.

Ashford has emerged as a genuine centre of gravity for creativity and cultural production. The town centre has a role to play in connecting these activities, ensuring that their economic and social potential is maximised.

The plan identifies the Lower High Street, the Odeon and elements of Vicarage Lane car park as the destination for a hub of cultural activities and creative engagement.



Transport and Parking

Our work has made evident that there is a definitive need to clarify a Town Centre Parking, Traffic and Transport Strategy.

As fundamental regeneration transformation is the ultimate mission of this task, surely a comprehensive review and assessment of attitudes to the car, the use of the car, the parking of cars and the weaving of public transport into the fabric of the new vision.

ABC must embark on an internal transport and parking analysis with urgency. It is the view of this plan that the analysis be not solely how these transport issues work or do not work as of today, moreover the analysis should be guided by a distinct vision of how leaders wish their town centre of the future to perform.



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Strategic priorities

2.1 Strategic priorities

The big picture

Town centres are places of intense use and activity. They are historically some of the oldest parts of our urban and social fabric, yet are often places experiencing the most acute stresses and strains associated with innovations in society and the demands we place on our environments.

In many ways Ashford is no different to town centres up and down the country, experiencing similar struggles to regenerate and stay relevant to contemporary lifestyles. Whilst many of the same questions are being asked, the responses to each deserve to be bespoke and nuanced.

Whether it's the climate emergency, access to social infrastructure, economic inequality, health and well-being or public safety, town centres have a vital role in pioneering responses to contemporary challenges and opportunities. This has become no more acute as the COVID-19 recovery of our towns and cities takes places.

Ashford is well placed to draw on its distinctive character and assets and begin transforming the ways in which people experience and perceive the town centre.

This handbook contains a number of projects to kick start change over an immediate and short timeframe. This said, it is essential to see these in context and as short term steps towards broader objectives. In other words, it's important to see the big picture.

A set of priorities have been developed in collaboration with the Council to set out direction and context for short, medium and long term projects. Projects should reinforce one or more of these priorities to deliver change in areas considered essential to improving the town centre.

Incremental and coordinated

The strategic priorities will be best addressed through coordinated and holistic strategies that consider the town centre and its environs as a whole. Projects can still be rolled out incrementally, as long as they form a part of a broader strategy, rather than piecemeal improvements developed and delivered in isolation.

Methodology

The Strategic priorities shared were hewn from a rich and broad collection of research data compiled in the first phases of the Town Centre Reset Project, evidenced in their collective whole in

Ashford Town Centre Reset Project Research Volume 2

The research effort considered consumer behaviours, socio economic trends analysis as well as documenting the physical realities and challenges of the Ashford urbanity.

The effort also worked to articulate the activities, projects and ongoing missions of Ashford Borough Council as well.

Once gathered and assimilated, the research and the Council missions together framed our the Strategic Priorities shared herein.



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Rewilding the town centre with a multifunctional green infrastructure network, drawing on Ashford's Stour Valley setting and Kent's landscape heritage character as 'The Garden of England'.



Improve quality and ease of walking, cycling and public transport journeys into the town centre by improving wayfinding, overcoming severance of the ring road and enhancing points of arrival through a series of 'front doors'.



Encourage active and healthy lifestyles by introducing informal play opportunities throughout the town centre, attracting young families into the town centre to meet, play and dwell in a safe and social setting.



Promote safety initiatives including improved lighting in the town centre, using this in creative ways to contribute to placemaking objectives whilst enhancing the sense of safety into the evening and night time.



Build on Ashford's unique cultural production assets, embedding these activities within the town centre, recognising the integral role that they can play in helping it evolve as a diverse, resilient, distinctive and exciting place.



Support the town centre's production and knowledge economy jobs, anchoring more of this within the town centre; ensuring Ashford continues to be a commercially sensible and value adding location for enterprise and business.



Ashford's population continues to grow and the town centre has an important role to play in uniting the diverse communities it serves. Growth and change should focus on addressing challenges around prosperity and inclusion.



A growing food and drink scene has the potential to flourish into the evening and night time, alongside leisure and entertainment uses. These sectors need support to extend hours of operation and draw footfall into Ashford.

2.2 Town Centre Initiatives

Ashford Borough Council Town Centre Management Initiatives

Various Council departments own responsibility for the life of Ashford Town Centre. Those departments include Economic Development, Corporate Policy, Corporate Property & Projects, Communications, Planning and Development, Housing, Community Safety & Wellbeing, Culture, Environment & Land Management, Finance and IT.

These departments engage in a diverse, agile and ongoing suite of town centre activities and management strategies, some of which are shared here. The Town Centre Reset sits within the wider context of what these departments are already delivering in Ashford Town Centre including street cleansing and waste bins to grounds maintenance and floral displays.

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Communications

- Communication and marketing of strategic projects
- Communication and marketing of key community services and activities in the town centre

Economic Development

- Town Centre Business Grants
- Business Grants
- Town Centre Business Support Forum
- Made in Ashford
- Love Ashford (web)

Culture

- Ashford Festival & Events Framework
- Revelation Ashford
- Review of Arts and Creative Industries Strategy
- Ashford Creative Network

Community Safety & Well Being

- Safer Streets Project
- Parking Strategies
- ANPR in ERCP & Park Mall
- Installations of EVCP'S
- Shared Space Improvements
- Automation of Bank Street Barrier.
- One You Shop
- Parking Fees in ERCP and Park Mall

Corporate Property & Projects

- Vicarage Lane / St Mary's Fields Redevelopment
- Park Mall Redevelopment
- Tank/St Georges Square
- Victoria Way Car Park
- Elwick Place Management
- Park Mall Management

Environment & Land Management

- Street cleansing
- Waste bins
- Grounds maintenance
- Parks
- Floral displays



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Making change

3.1 Targeting success

A Town Centre which is economically and commercially successful, socially inclusive and environmentally resilient.

A successful town centre will be one which recognises and embraces the aspirations and motivations of its full range of users and stakeholders: from local residents, through to businesses and their employees, and to commercial landowners, developers and the council itself.

Ultimately, adopting a long term approach where partners and communities embrace a shared vision for the town centre, offers the best opportunity, delivers maximum outcomes for residents, businesses, investors and strategic partners alike. This means balancing and prioritizing economic, social and environmental value and outcomes alongside commercial and financial ones.

This is our tool to assess and measure the holistic success of single or better multiple sets of initiatives, providing a consistent and relevant analysis of all opportunity.

This approach to defining success provides a framework to set objectives for future investment and delivery in the town centre.



A holistic framework for understanding success



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Economic Success

The vibrancy, diversity and productivity of the town centre economy



Social Success

Prosperity and wellbeing of Ashford residents



Environmental Success

The quality and sustainable of the physical environment



Financial Success

Returns for investors and stakeholders (public and private sector)

Delivery objectives

- Strengthening the quality and distinctiveness of Ashford’s high street economy – for residents, workers and visitors
- Building economic diversity, reinforcing the towns reputation for culture and creativity and embedding a future facing range of sectors
- Embedding enterprise within the local economy, encouraging and incubating new ideas and enterprise
- Strengthening the retention of value within the local economy by building the supply chain and networks.

Delivery objectives

- Creating healthier and more inclusive spaces which encourage participation.
- Enhancing quality of civic infrastructure and facilities, enhancing satisfaction and enjoyment of residents and visitors
- Improving access to employment, training and enterprise opportunities for residents
- Enhancing the quality and diversity housing for local communities

Delivery objectives

- Greening of the town centre via investment in public realm and public space
- Encouraging active and sustainable modes of travel within the town centre
- Embedding built environment zero carbon principles within the town via new investment
- Prioritising environmental responsibility within the local business community.

Delivery objectives

- Leverage of additional public sector funding
- Leverage of investment for reinvestment in local community infrastructure – S106
- Wider revenue generation for reinvestment in economy and service provision – business rates, council tax
- Value uplift for residential & commercial land value – encouraging further investment.

3.2 Delivery approach

Planning for the long term

Securing positive change and evolution within Ashford Town Centre must be viewed as a long term and ongoing process. The Town Centre Reset provides a framework to guide that change, ensuring a consistent and coordinated approach to securing investment, working with partners and delivering projects.

However, while the project is long term in nature, focused action in the short term will have a crucial role to play in laying the foundations for future growth, supporting the evolution of a more successful and resilient town centre in the long-term.

Short term intervention will:

- Help to respond proactively to the post pandemic context
- Set the tone for future investment - both in terms of quality and focus
- Build delivery capacity and infrastructure for others to take the lead in the future.

Scale and depth of public sector intervention

Immediate term

early activation and piloting - creating 'sparks' and energy

Short term

deeper intervention and investment to unlock value (e.g. public realm enhancements & curation of assets and uses)

Medium to long term

development and investment stimulated and realised

Scaling delivery over time



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Delivery principles

The delivery of projects linked to this plan will only be part of the process which will deliver 'success' in the town centre: the day to day investment and decision making of town centre partners and stakeholders will play an equally important role in shaping future change. In this context it is important that Ashford Borough Council sets a clear tone and standard in its overall aspirations and in the way projects are delivered,

inform this a set of principles have been identified to support delivery:

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Collaborate: in the context of limited government funding it will be essential to make the most of the capacity, resource and energy which exists across the town centre (and Borough more widely) across the public, private and civil society sectors. This means building on and strengthening existing partnerships, brokering new relationships, and helping to build organisational capacity. Key partners will include strategic partners (e.g. Kent County Council), landowners and investors, local businesses, local institutions and civil society partners (community groups, organisations and leaders)

- **Build foundations for community participation:** Projects should not be imposed upon people and places. All delivery partners must seek to constantly support local citizens to develop their individual and collective capacity to develop ideas and participate (and ideally lead) delivery
- **Activate existing assets:** There are already existing, under-utilised assets across the town centre, some of which are in public ownership. Activating these assets should be the immediate to maximise the short-term capacity and opportunity for action
- **Plan for net zero:** Delivery must support the long term evolution of Ashford as a sustainable and environmentally resilient place; the scale and urgency of the net zero challenge makes it an imperative to hard-wire these considerations into delivery from the outset.
- **Remain footloose and agile:** The past five years has been a period of significant uncertainty in macro conditions and drivers, and, looking ahead, it is likely that this uncertainty will persist. It is important that partners remain aware of broader economic and social trends (positive and negative) and are able to respond appropriately.

The Role of Ashford Borough Council

The council has a key role to play in driving forward change in Ashford town centre: through leadership, influence and investment. This role is multifaceted, and a coordinated approach is required to ensure a consistent approach to delivery. Key roles include:

- Policy & Strategy – ownership and evolution of the policy framework and levers needed to support delivery
- Use of Assets – activating assets owned, occupied or secured by the council; exploring use of private sector and other partner assets inc. community assets; and development or delivery of new assets
- Funding – opportunities for discretionary expenditure, discretionary reliefs and securing and deploying grant funding
- Advocacy & Facilitation – developing local partnerships; place, project & opportunity enablement / promotion; and strategic & operational coordination
- Measurement & Monitoring – ownership of the success measures and responsibility for forecasting, measuring & evaluating and communicating issues & impacts

3.3 Monitoring and Evaluation: Tracking Success

An evidence focused approach

Robust evidence has a crucial role to play in supporting future delivery in Ashford Town Centre. It is needed to:

- Understand evolving 'need' and 'opportunity' within the town centre's places and communities
- Adapt to a changing situation in challenging times, tailoring strategy, delivery and investment to maximise value and impact

Celebrate achievements and successes, while also learning lessons for future delivery

- Support case making for future investment.

Reflecting the ambition and strategic importance of the Town Centre Reset, it is important that robust mechanisms are put in place to ensure that the performance and impact of delivery is understood. Good evidence and insight will enable:

- The Council to track the impact of investment, communicate the value of this investment to internal and external partners, support delivery planning, and help to make the case for future funding

- Kent County Council to understand change across the region and the extent to which delivery is aligning with local objectives, and inform strategy development
- Business and investors to understand how the area is evolving, enable a better understanding of local needs and priorities, and support the development of closer partnership working between the public and private sector
- Local communities to have a clear understanding of aspirations and delivery within the town centre, and access to robust and democratic information to support active participation and engagement
- Central government to understand the scale of ambition across the area and the need and case for continued support and investment.

The importance of good evidence is a focal point within the governments Levelling Up White Paper.

Success measures

The success framework provides a consistent basis against which future change can be tracked and benchmarked. Examples measures and KPIs which could be used to track the performance of delivery are set out below. These focus on:

- Establishing a balanced understanding of success against economic, social, environmental and financial outcomes – in the short, medium and long term.
- Providing a core set of overarching success measures which will provide a more holistic understanding over the medium to long term.

These outcomes are designed to be linked to the specific delivery activities of Ashford Borough Council and its partners, to ensure that the causality and consequence of investment can be understood.



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Collecting evidence

Evidence can be collected via a number of sources:

- Government datasets will provide ongoing insights as to the evolution of the Ashford economy and community – allowing change over time to be understood and performance to be benchmarked. The forthcoming release of Census 2021 data in summer 2022 provides an important opportunity to establish more granular insights on the local population than is usually possible. Information on residential values can also be drawn from publicly available datasets
- Commercial / proprietary data (e.g. mobile phone and agency data) will help to provide an ongoing insight on levels of footfall, spend and commercial values within the town centre
- Primary research: the perceptions of town centres users (visitors, residents, businesses) should form an important part of evidence collection, through periodic surveys of businesses, residents and visitors. The focus should be on gathering targeted insights which can be used to understand evolving motivations, and inform investment approaches and decisions.

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Long term success measures

- Delivery and take up of town centre space
- Reputation and perception of Ashford TC, among different groups
- Overall size and productivity of town centre economy



Core success measures

- Town centre footfall and spend
- Proportion of creative jobs
- Business start up rates in town centre



Core success measures

- Resident use of town centre for different activities
- Residents accessing new jobs or training
- Take up of exercise and wellbeing focused activities in town centre
- Sense of satisfaction and belonging



Core success measures

- Business rates income
- Funding levered
- Residential and commercial values



Core success measures

- Local air quality
- Take up of active transport
- Amount and use of public space



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The T - Middle Row and Upper Bank St

The junction of Bank Street and the High Street is a key node in the heart of the town centre. It also presents significant opportunities for quick win and high impact enhancement. "The T" should become the focus for investment at the heart of the town centre in the short and medium term.

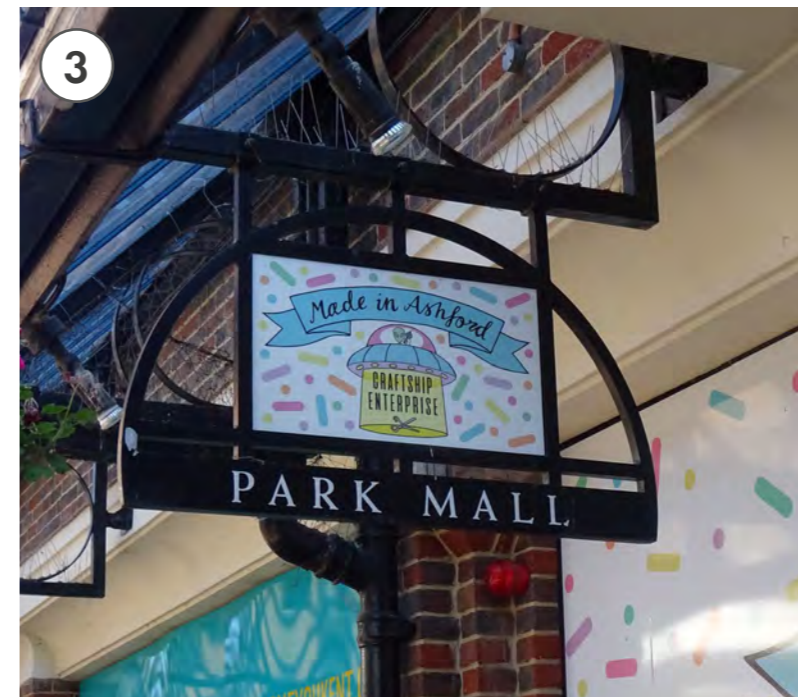
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The Odeon and St Mary's Fields

The Odeon building on the High Street presents a unique opportunity for heritage-led regeneration. A bespoke retrofit project could breathe new life into this unique asset by introducing a rich mix of public-facing uses and encouraging cultural activity.

The building extends southwards towards the Vicarage Lane car park; a low density and inefficient use of important town centre land. This site has been identified through the St Mary's Fields project as suitable for new homes, increasing the residential population within the town centre. A range of buildings, streets and spaces will also serve to 'complete the block' and improve sense of place in the town centre, including the setting of St Mary the Virgin Church.



Park Mall

Shopping malls are increasingly at odds with resilient town centres owing to their locked-in reliance on retail uses; limited adaptability to alternative functions and activities; and their land hungry mass that creates a coarse and impermeable grain.

Park Mall is a prime opportunity to reimagine such a prominent site and its relationship to both the town centre and its immediate setting. Opportunities should be explored to understand how a design-led process could intensify the site - introducing a range of new homes - as well as repairing the urban fabric through new routes and spaces.



Vehicular access strategy

An important step in unlocking the potential of the town centre is to review and overhaul vehicular access. The strategy should ensure that the town centre is sustainably accessible - this means prioritising low carbon modes over the private car whilst at the same time making sure it is easily accessible for those with mobility concerns.

The strategy should be user focused. Parking provision should ensure disabled spaces are provided within close proximity and easy access to the heart of the town centre. Whilst the quantum and position of general parking provision should be managed to simultaneously encourage alternative transport modes and drive pedestrian footfall along key routes.



Buses review

Public transport is essential to sustainable towns and forward steps in technology will continue to improve the efficiency and quality of the experience. The town centre faces a challenge of how best to accommodate buses, with Bank Street and Park Street currently the most central pick up and drop off points but both under strain.

Collaboration with Kent County Council and bus providers should explore alternative locations for hosting buses, as well as new technologies for transforming public transport vehicles and infrastructure. High quality electric buses, on-demand services and app-based ticketing systems can transform user experience around reliable, comfortable and affordable public transport.



Active travel bridge

A walking and cycling bridge across the rail lines currently connects Elwick Place to Victoria Road south of the town centre. It represents a critical link between the town centre and new residential development coming forward along Victoria Road.

Fostering positive connections and relationships between emerging residential communities and the town centre is essential to encouraging behaviours of regular use and enjoyment the town centre offer.

Delivering investment to the bridge in the short term (through lighting and wayfinding) should be a priority to encourage its use by residents living south of the town centre.



Elwick Place Phase 2

Elwick Place phase 2 will introduce new residential buildings to Elwick Road, establishing an important edge and frontage. A later phase of the original mixed use Elwick Place phase 1 project, this will help establish a critical mass necessary to animate this part of the town centre.

Increasing the residential population in the town centre can help support local services and infrastructure, as well as bringing much needed daily domestic activities to the street e.g. walking to school and meeting friends.

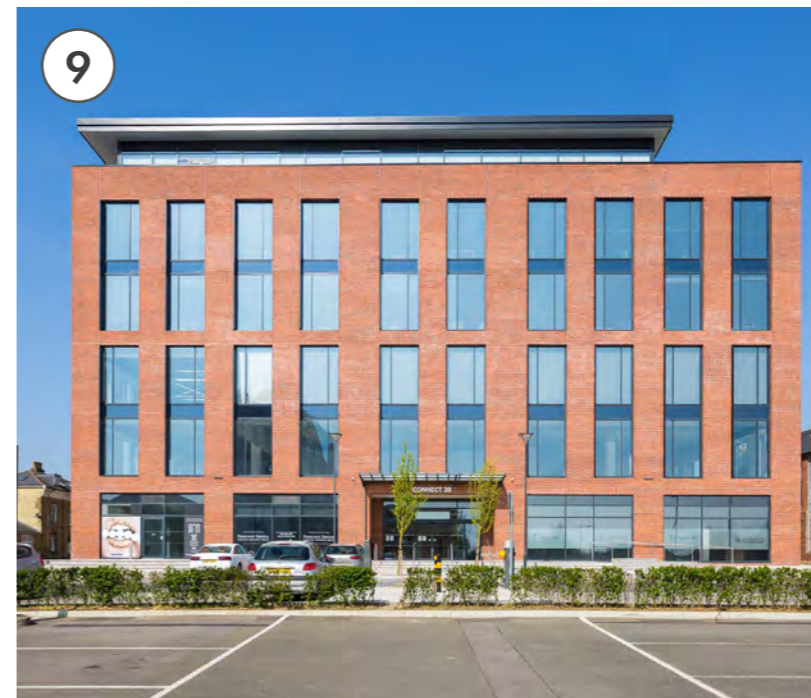
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Ashford College

The expansion of Ashford College with a new building along Station Road will deliver a new Engineering Hub. This will include cutting edge equipment, workshops, classrooms, and computer lab spaces for the teaching of specialist, technical qualifications in Business, Engineering, Computing and other Digital Technologies.

Attracting an increased student population will animate parts of the town centre, as well as increasing Ashford's prominence in the knowledge economy. Developing a complementary student offer in the town centre could help unlock footfall and spend which is otherwise spent elsewhere.



Commercial Quarter

The Commercial Quarter is one of the town's main business hubs, with three office blocks offering high-quality commercial space, including Connect 38 (pictured). Inspired by existing brick warehouses in the borough, Connect 38 is the largest speculative town centre office block built in Kent in the last 20 years.

Delivering later phases of the Commercial Quarter could reinforce the town centre's working population and create a positive anchor of uses in close proximity to the train station.



The Bowling Green

The Bowling Green is a local asset currently exploring a relocation to new premises, which could free up this prominent site in the town centre. A corner site, which provides the opportunity to create a community that builds upon Kent's Garden of England theme and could offer new public realm and play space. This area could contribute to the local townscape and improve sense of arrival via Church Road and Tufton Street.

A clearer, more positive relationship with the surrounding blocks and Memorial Gardens could be established by fronting streets and open spaces. Proposals should be prepared in response to forthcoming plans for St Mary's Fields to establish a coherent sense of place along Vicarage Lane.



Former Debenhams building

The former department store building lies vacant since the collapse of Debenhams. A relatively new building occupying a prominent site, new occupiers should be sought to activate this part of the town centre, including Eliwck Place.

Retrofit and adaptation to accommodate non-retail uses within the shopping centre should be explored, such as opportunities for office, leisure and civic. Indeed, layering different uses across stories could establish a critical mass of activity and transform the building mass into a key attractor and anchor for the town centre.

Any proposals should emphasise active ground floors, resolve access to County Square Mall and reinforce the building's interface with Elwick Place and Elwick Road.



Station Square

Ashford International Train Station is a major asset to the town centre with rapid connections to London and Europe. A public realm and landscape project should redesign the immediate environs of the station, creating a new station square and public space.

A new public space would improve sense of arrival in the town centre and repair the urban fabric with the nearby Commercial Quarter and Great Stour river.

The redesign should facilitate the continued operation of pick up and drop off activities but rationalise the amount of space allocated to vehicles, placing greater emphasis on the pedestrian experience.



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Action areas

5.1 Action areas

A Polycentric Town Centre

Ashford Town Centre has grown over time into a series of notable series of unique districts defined by activity, physicality and use. The richness of this polycentric collection allows this plan to redefine and re-characterise these nodes with a new intent.

Our work has identified five primary nodes that comprise:

- 1.** The T - defined by a series of spaces and streets that form the shape of a T and comprised of three zones - Upper Bank Street, Upper High Street and Middle Row. These zones will become areas of renewed commerce in legacy discretionary retail, areas of independent boutiques and the emerging core of an office, business district.
- 2.** Elwick Place will remain the leisure core to the town centre and made a more notable landscape setting.
- 3.** Lower High Street will adopt a focus of more neighbourhood commercial as well as a community of entrepreneurial and incubator brands, including the development of the Odeon and St. Mary's Fields.
- 4.** Lower Bank Street will see upgraded public realm and a more pedestrian sensitive bus and transport core.
- 5.** Academic & Commercial Quarter is a growth quarter envisaged as a future phase.

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Focused intervention

This section of the project handbook sets out the proposals for areas 1 to 4. Following an assessment of possible interventions, a set of target projects have been identified that the team recommend as priority interventions.



The 4 key areas for intervention



5.2 Type of action

The interventions proposed are grouped according to the key purpose or nature of the change.



Quality and environment

Primarily public realm enhancement interventions related to urban greening, space design and pedestrian environment.



Animation and identity

Interventions focused on activities/events programme within the public realm or artwork or signage to support wayfinding.



Place management

Interventions to alter how spaces are accessed or managed, in particular vehicular access and servicing.



Building adaptation

Opportunities to adapt existing vacant or underused buildings to support the intensification and diversification of uses.



5.3 The T

“The T” is the heart of the town centre and takes in the junction of the High Street and Bank Street. It includes two priority locations for intervention:

- Middle Row
- Upper Bank Street

Challenge

The challenge is to reveal the strong character and assets that have been underinvested in. This will involve regenerating unbalanced and mis-used commercial frontages into a series of vibrant new commercial, office and residential districts. It will include promoting the regeneration of upper floors into small office re-use.

Mission/Strategy

Improve, renew and refresh the public realm. Refresh signage.

Invest in buildings strategically and use lighting to celebrate them. Begin to use colour on buildings to define districts or to animate aspects and elements of the town centre.

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Area 1: “The T”



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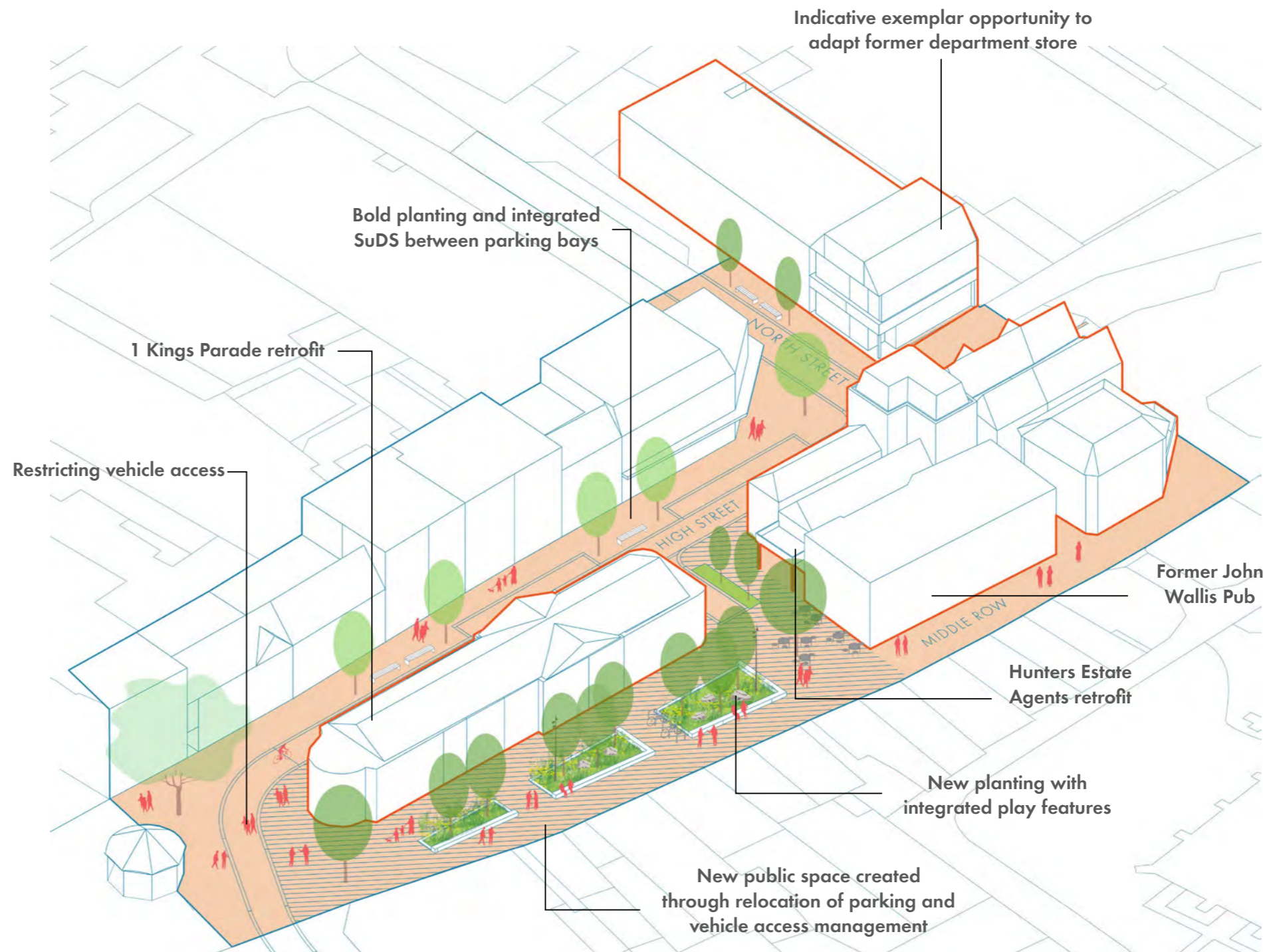
Middle Row/The High Street

Middle Row is a key area in the town with a strong bone structure with good historic fabric. There is a significant opportunity to invest and reveal this characterful gem.

In the short term, the priority for Middle Row and the High Street will be to make small interventions that re-prioritise pedestrians and create a high-quality, green environment, encouraging people to enjoy the area.

In the medium term, ABC should seek to purchase leading assets and work with existing owners to reposition Middle Row as the home for fashion boutiques, accessories and homewares

In public realm terms, the priorities revolve around removing vehicles, as far as possible, and managing servicing access to create inclusive spaces for people and bold planting. This would ideally be complimented by upgrades to street furniture and surface materials to improve the overall appearance of the area.



Axonometric illustrating the transformation of Middle Row

Upper Bank Street

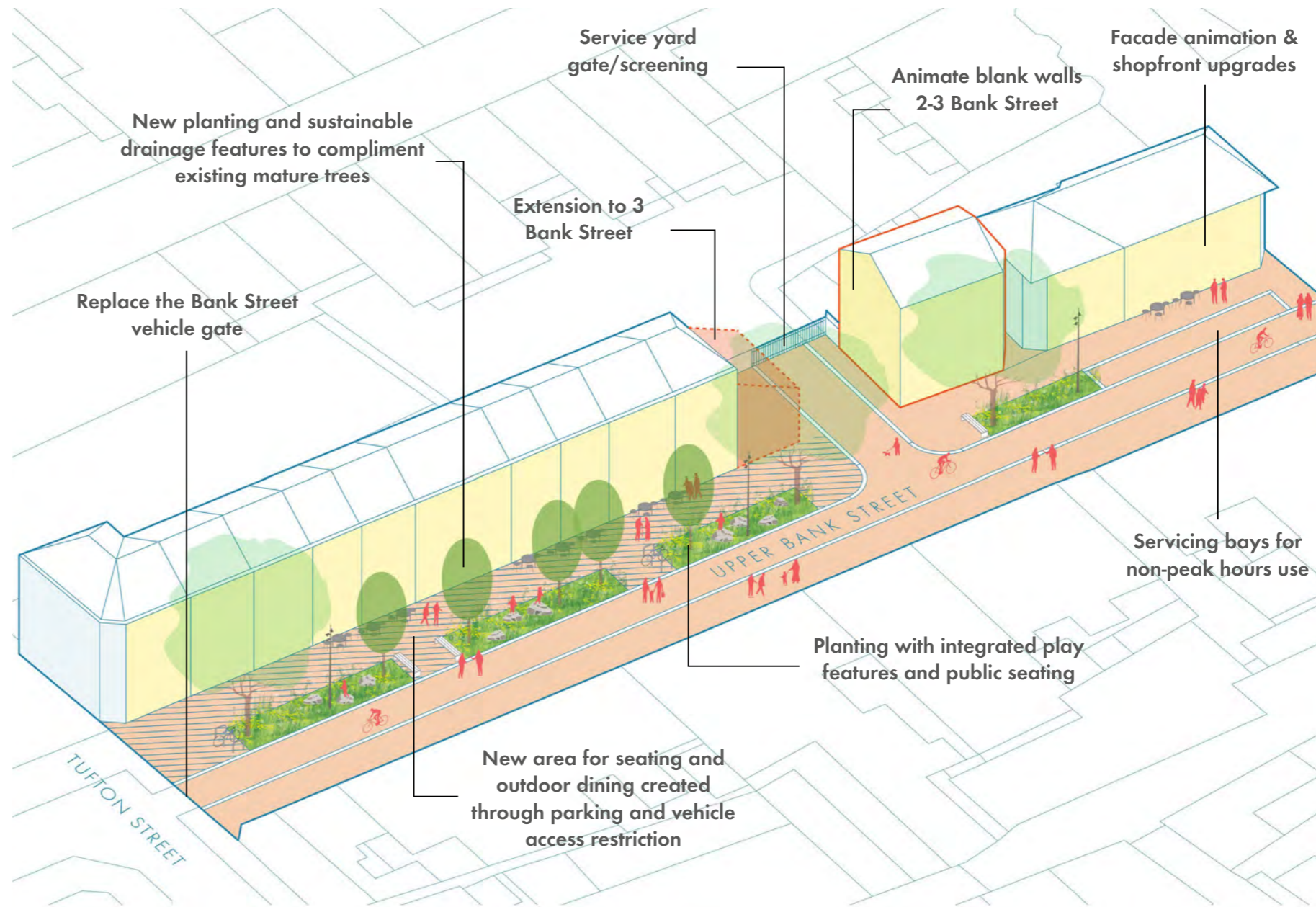
Upper Bank Street is a well-fronted and enclosed street section with space to do much more in the public realm once car access and servicing times are resolved.

The immediate actions are to focus on decluttering the public realm - taking out signage, infrastructure and street furniture that duplicate or impede the use of space, and removing parking bays. This will set the stage for streetscape enhancement and the refurbishment of buildings to accommodate new uses.

ABC should seek to work with ownership to position a boutique/food and beverage stretch of units which could animate spaces create through the removal of car parking.

In the longer-term, projects would explore options to animate and strengthen the identity of Upper Bank Street through interventions such as feature lighting, bold planting and integrated play features.

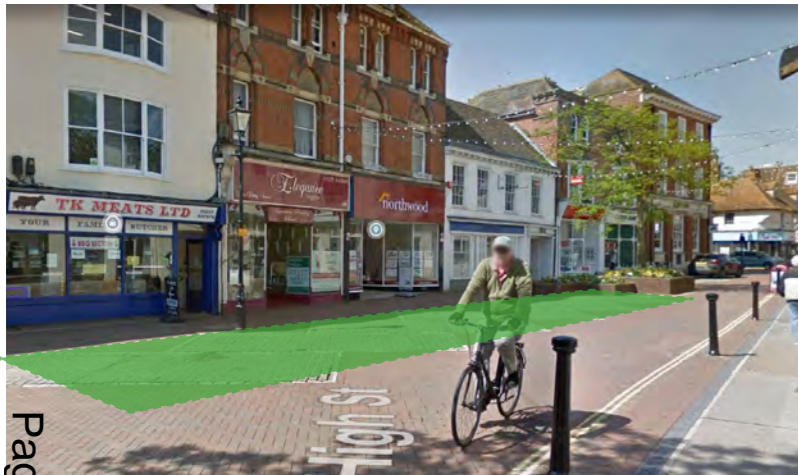
The retrofit of key properties and facade upgrades could also help to improve frontages and animation along the street. An infill building next to 3 Bank Street would also seek to mitigate the gap created by the County Square service yard access.



Axonometric illustrating the transformation of Upper Bank Street

Middle Row / Upper Bank Street Key project precedents

0-18 Months:



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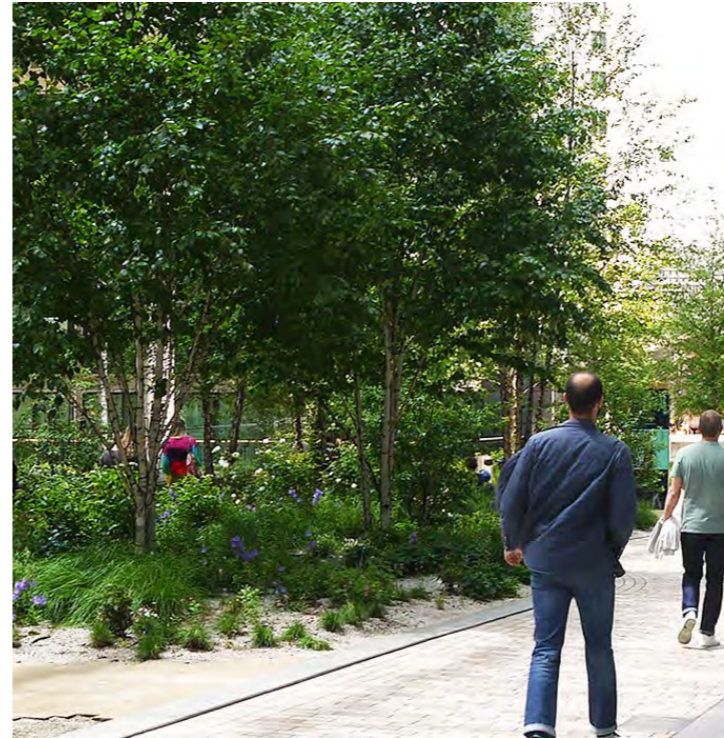


Existing image of Middle Row with a potential zone for depaving and planting highlighted.

Existing image of Upper Bank Street with a potential zone for depaving and planting highlighted.

Further thought will be had on the safety and security (e.g. CCTV coverage etc) of this area if this project is implemented

18-36 Months:



Top left: Precedent of bold planting and sustainable drainage retrofitted to an urban street.

Bottom left: Precedent of planting and sustainable drainage

Top right: Precedent of uplighting to trees and low level lighting to adjacent public realm

Bottom right: Example of a tree pit surround integrated with the surrounding paving pattern and materials

5.4 Elwick Place

Elwick Place is an important entry point to the town centre and has seen significant investment over the last 5-10 years. Much has been achieved, but further work is needed to consolidate the early success and ensure this part of the town centre continues to thrive.

Challenge

The challenge for Elwick Place is to transform it from a space still defined by vehicles into one more fully for pedestrians, that brings life to play all the corners of the junction. This will involve introducing a scale that gives it a stronger form and the object of Elwick Square to personalise it.

Mission/strategy

The integration of free standing planters and further greening should be used to reclaim the space here and better join the two sides of Elwick Road.



Area 4: Elwick Place



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Commercial activation

Former Debenhams Department Store (18 months)

Initiate an investigation with the new owners of County Square Mall into the prospect of leasing the street level, ground floor spaces to an outward facing, leisure entertainment use to compliment the existing leisure activation in Elwick Square.

Restaurant below residential (0-6 months)

Support the proposed restaurant with improved public realm

Elwick Place Retail Letting (0-6 months)

Actively promote a letting to an outward facing leisure occupier.

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- Former Debenhams Department Store
- Improved public realm
- Improved public realm
- Improved public realm
- Elwick Place retail letting



Activation strategy plan



**County Square extension
(18 months)**

Explore opportunities to bring in office uses within the County Square extension.

Office activation

Elwick Road

Monitor and promote office upgrade as marketplace allows.

Elwick Place Phase 2 (18 – 36 months - subject to Stodmarsh solution being found)

Actively promote the use at the ground plane to be of an office occupancy nature.

Residential activation

Elwick 2, Elwick 3 (36 months+)

Delivery of 200 residential units in this stage with the alternative of progressing east along Elwick Road as the market demands.

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County Square extension

Former Debenhams Department Store

Elwick Road office upgrades promoted

Improved public realm

Elwick Place Phase 2 new residential development



Activation strategy plan

Elwick Place

The proposed interventions for Elwick Place build on the significant work already completed here. The approach is to further reduce the space given over to car and further increase the prioritisation of pedestrians.

Urban greening is an important element and should be used to enhance the character and function of the space. Such a scale of greening would have a bold impact and would reinforce Ashford's Garden of England identity.

The adaptation of the former Debenhams building will be an important step in activating all four corners of the space. This large footprint building could become an anchor for indoor leisure uses, complementing the existing use character of this part of the town centre.

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Axonometric illustrating the potential transformation of Elwick Place

5.5 Lower High Street

The Lower High Street is a wide space that already accommodates a wealth of activities from outdoor dining to markets. The fine grain of buildings supports a range of uses with limited ground floor vacancy.

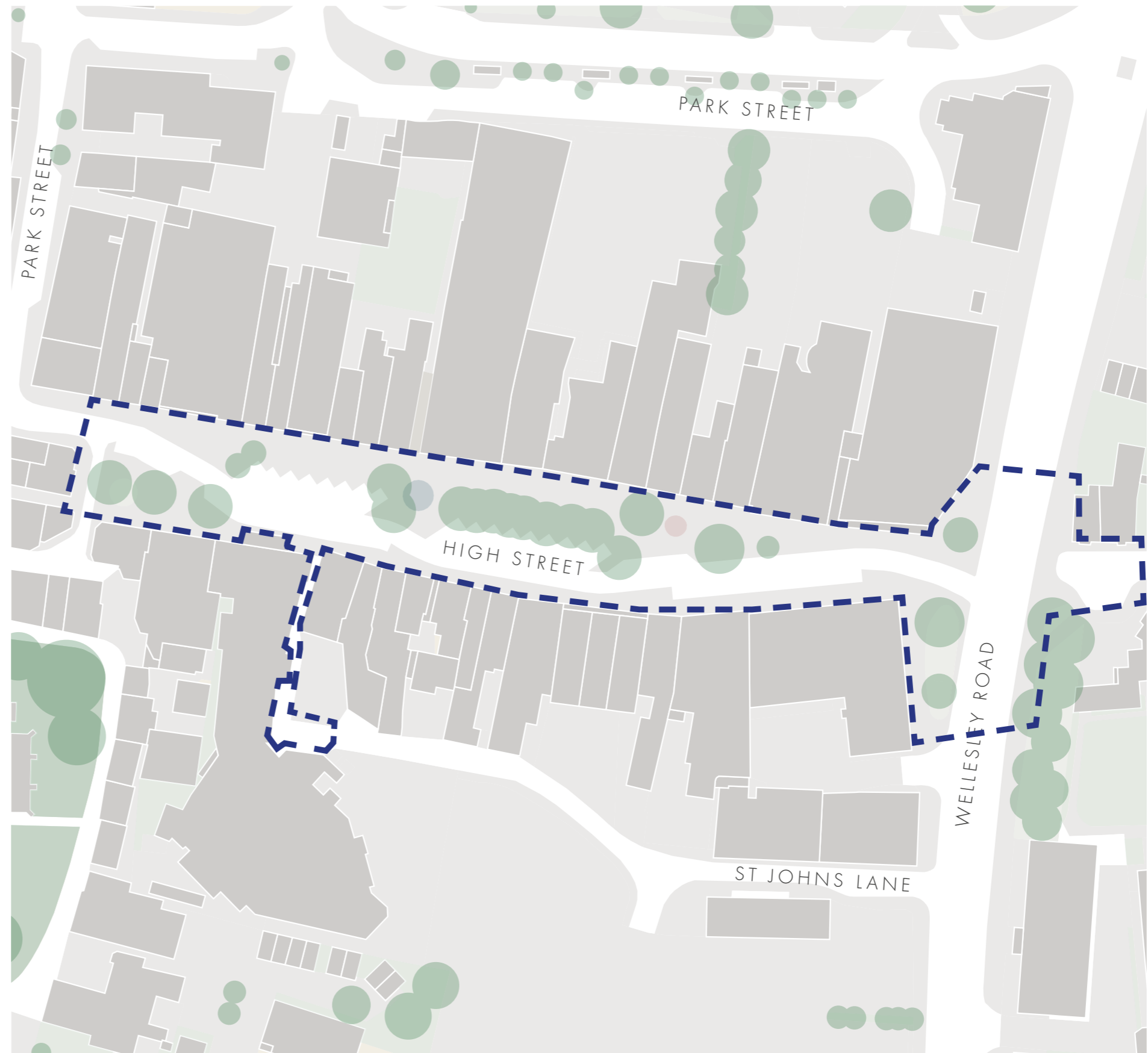
Challenge

As a collector, the Lower High Street gathers the interests of so many important aspects of life in the town centre that it must be nurtured as a focus for the local community and possibly the home of the new Ashford entrepreneurs, makers, creators, innovators and emerging businesses. A village heart that serves the growing town centre residential and commercial community.

Mission / Strategy

Allow the public realm to further evolve to support ground floor activities. Work to transform empty upper floors on the north side of the street into small offices for start-ups. Consider promoting the regeneration of the two larger and most easterly buildings into workspace providers or studios/workshops for makers.

Consider transforming any collection of vacant upper floors into small, modern flats. Assess the ability to take forward the redevelopment of the Former Odeon and Vicarage Lane site.



Area 2: Lower High Street



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Lower High Street as “collector, enabler, place”

As a collector, the Lower High Street gathers the interests of so many important aspects of life in the Town centre that it must be nurtured as a heart of the community and possibly the home of the new Ashford entrepreneurs, makers, creators, innovators and emerging businesses. A village heart that serves the growing town centre residential and commercial community.

Office Activation

Work to transform empty uppers on the north side of the street into small offices for start-ups. Consider promoting the regeneration of the two larger and most easterly buildings into workspace providers or studios/workshops for makers.

Residential Activation

Consider transforming any collection of uppers into small, modern flats. Assess the ability to take forward the redevelopment of the Former Odeon and Vicarage Lane site.



Activation strategy plan

5.6 Lower Bank Street

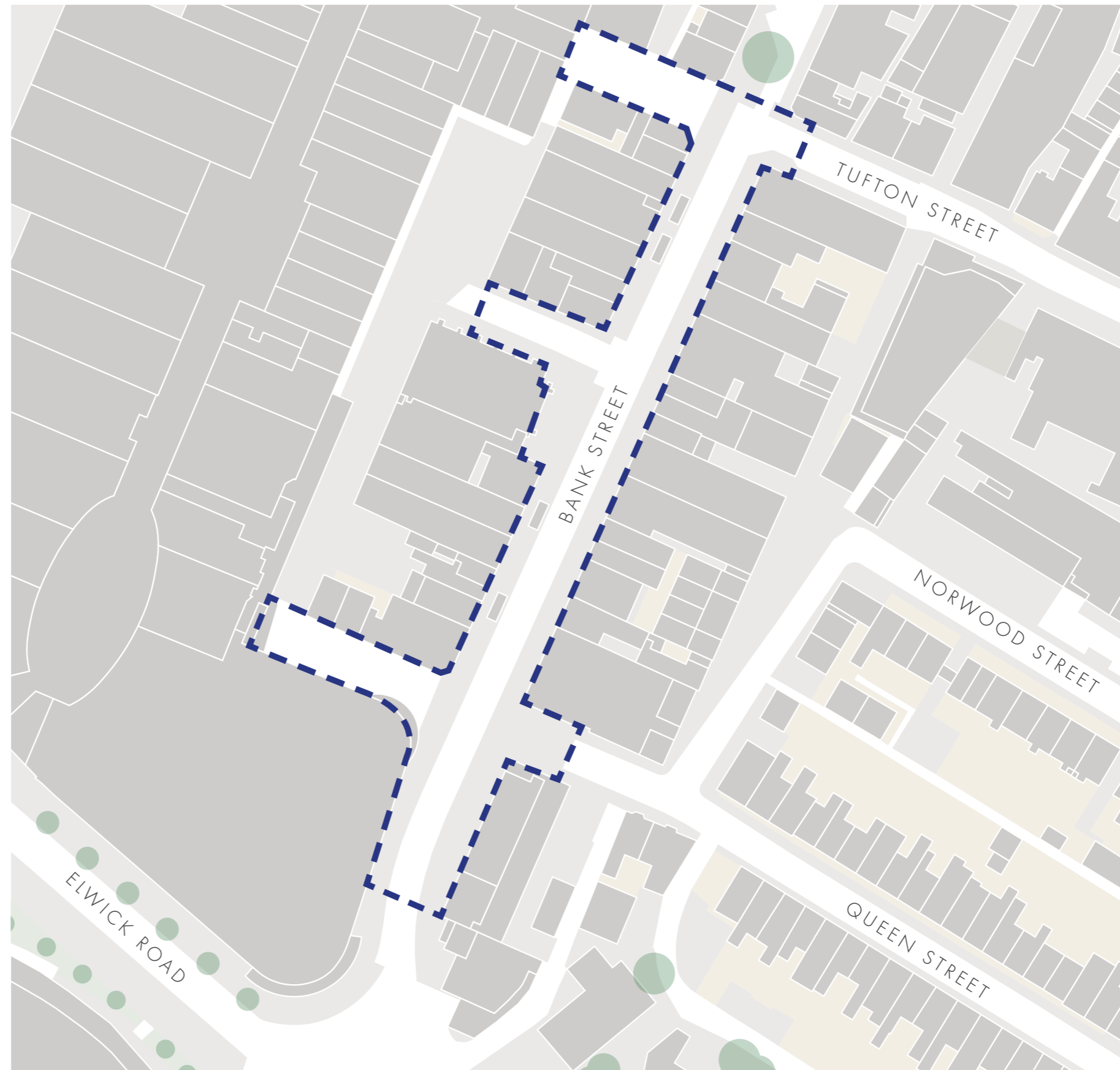
Lower Bank Street has been a part of the town centre that has struggled over the last decade. It operates as an important location in the bus network, bringing people close to the heart of the town centre. However, investment in the public realm has been problematic and there is a real need to resolve existing issues and invest in urban greening.

Challenge

The challenge for this area is to transform vehicular and public transport dominated space into a safer pedestrian place that also fosters growth in retail activity.

Mission/strategy

There are two key strategies for this section. In the immediate term it is about working to make it the nicest bus "station" it can be. In the medium term it is about resolving the relocation of the bus stops and layover spaces elsewhere and releasing this space.



Area 3: Lower Bank Street



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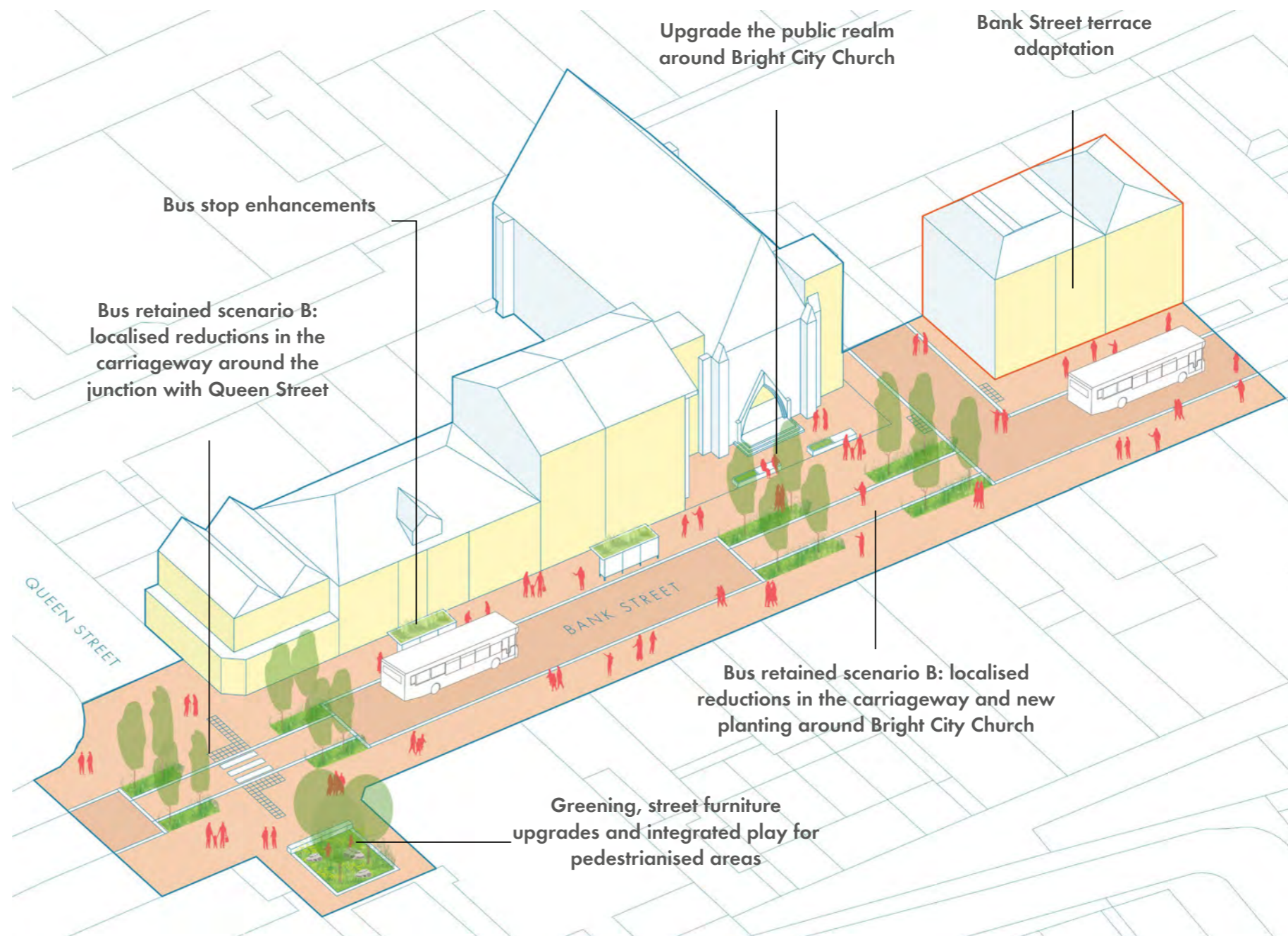
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Lower Bank Street

The priorities for Lower Bank Street focus around resolving vehicular access and the street's role as a key access point to the bus network. Once a short term and longer term strategy has been agreed, investment should involve targeted investment and upgrade.

This will include enhancing the space around Bright City Church and celebrating this key point on the street. There will also need to be active encouragement of building improvements - both shopfront improvements as well as the adaptation of buildings to support new uses at upper floors and encourage new activities at ground floor.

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Axonometric illustrating potential project interventions on Lower Bank Street

5.7 Delivery on the ground

Time in Transformation – Step 1 - 2023

The Business Plan challenge was to identify a series of initiatives that might be undertaken in the near term that would seed or inaugurate transformation.

The team suggested the most effective manner of manifesting these initiatives in the first year to 18 months would be to leverage either Council ownerships or areas where through Council process a third party change might be supported.

The diagram here suggests an indicative mix of actions and initiatives the might be seen as plausible in delivery in the first year. Some will be able to be completed, such as the public real decluttering, improved lighting and landscaping and possibly the reconfiguration of vehicular access and parking. A few projects will have just begun and whilst not complete will be evidence of the transformation intendent.



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Time in Transformation – Step 2 - 2025

With the benefit of a bit more time, the developments of scale will begin to formulate and greater transformational change will become more evident. They will take another 3-4 years to manifest an impact, yet evidence of the investment and realisation of change will positively impact a range of wider success indicators as set out below.

Instrumental in these initiatives will be the delivery of the Odeon regeneration and the completion of Elwick 2, alongside the positioning of the next stage of signature initiatives in Middle Row and in potential partnership with the new owners of the County Square Mall, the repositioning of the Debenhams.

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Activation strategy plan

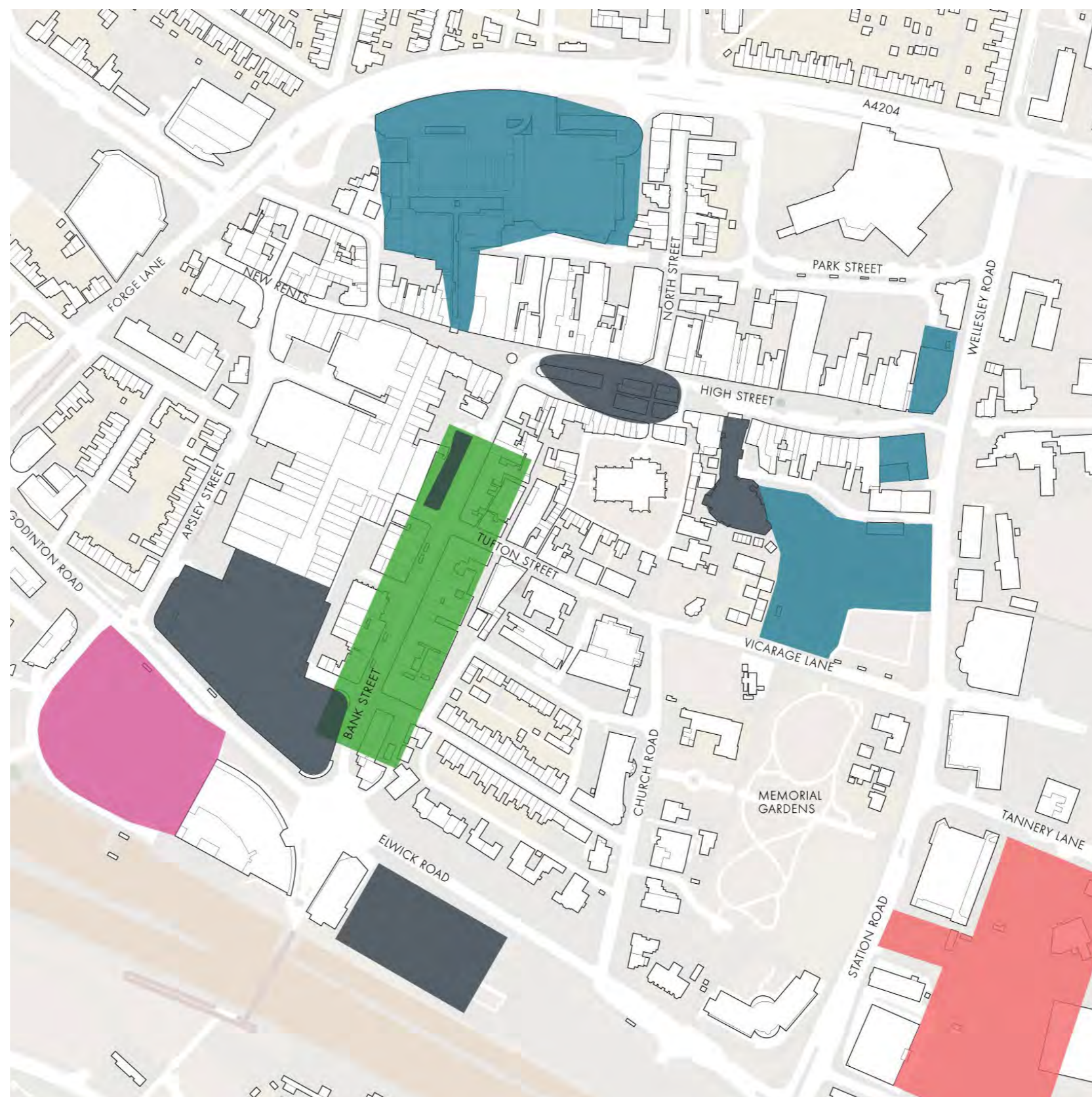


Time in Transformation – Step 3 - 2028

If projects of scale are inaugurated at their very first opportunity, in a five year window they will begin to completely inform and define the community that is Ashford Town Centre and in doing so manifest a a holistic spectrum of successes as set out below.

Therein at the last of the three year delivery strategy rests the importance of positioning the notable and longer term redevelopments that will have a most significant transformational impact on the Town Centre. The regeneration of Park Mall, the Vicarage Lane car park and the whole of lower Bank Street will move the character and offer of the Town Centre into a whole new dimension.

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Activation strategy plan

5.8 Rationale for action success targetted

The team devised a effective measuring tool as a manner to test each initiative against the other in the sifting process. This Public Value measurement exercise will form an important benchmark for discovering the highest value and best benefit of any initiative considered

Contribution Towards Town Centre Vitality

Short term: increase in number of visitors as a result of meanwhile, activation and public realm interventions (see 'In Focus' box)

Medium term: activation of vacant buildings (e.g. department store) creating new jobs and diversifying the town centre offer with new leisure and cultural uses. Adaptation of key buildings could accommodate xxxx jobs.

Longer term: long term increases in footfall and spent resulting in reduced vacancy and improved perception and enjoyment.

Opportunities and Benefits for Local Residents

Medium to long term: creation of new opportunities for residents to engage / participate in culture; health and well-being benefits for those using and enjoying new spaces and places.

Enhancing the Environment

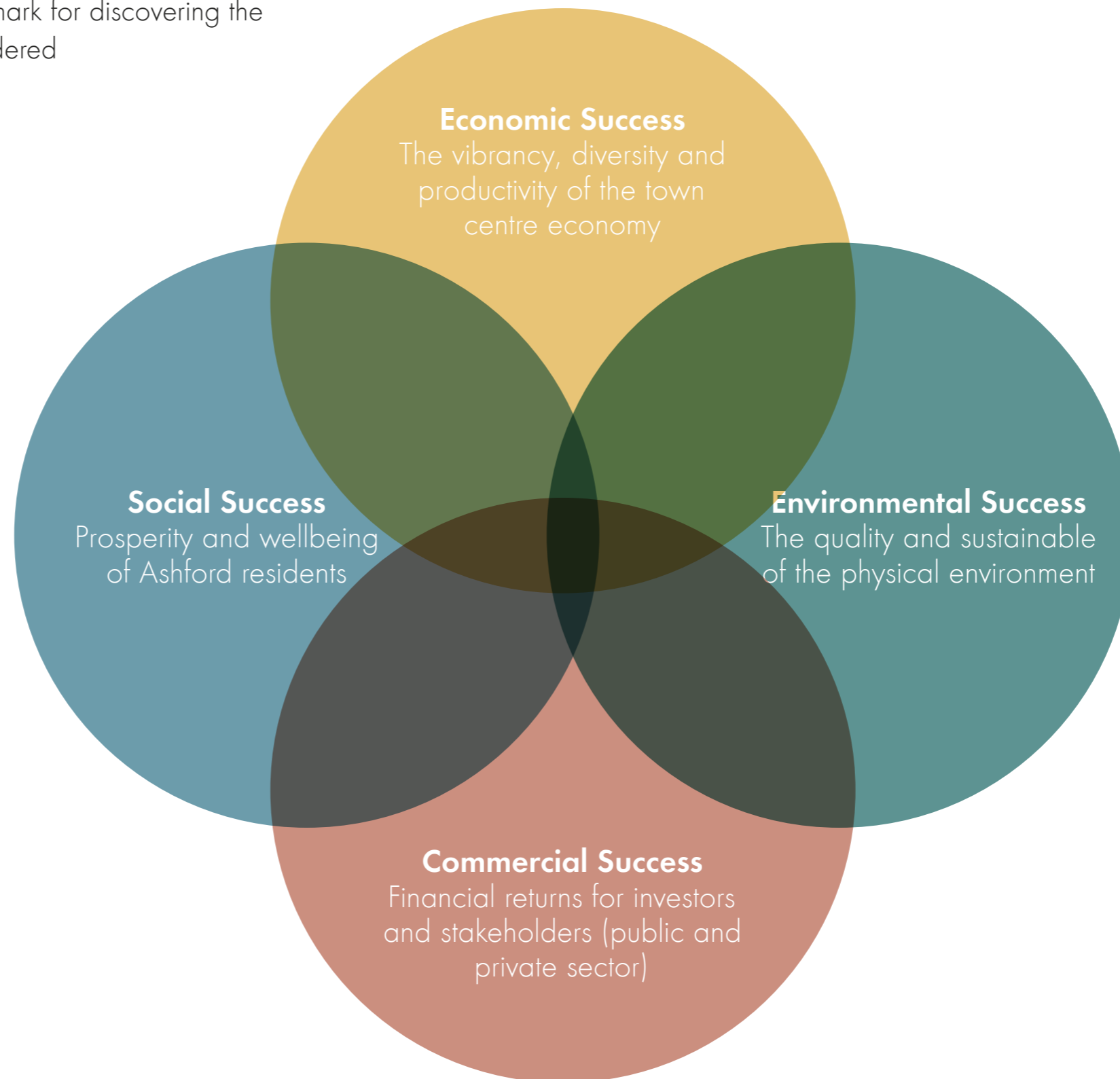
Short term: Greening and public realm enhancements resulting in more resilient and sustainable town centre environment

Medium to long term: re-purposing and retrofitting of vacant buildings demonstrating leadership in environmental responsibility and contributing towards net zero objectives

Longer term: long term increases in footfall and spent resulting in reduced vacancy and improved perception and enjoyment.

Building Commercial Resilience

Medium to long term: improved footfall, spend and perception improving visibility and attractiveness of this part of the town centre to commercial operators.



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European Union
European Regional
Development Fund



HM Government



Ashford
Borough Council

Appendix B

TOWN CENTRE RESET - A PLAN FOR ACTION

This plan is Ashford Borough Council's response to Milligan's draft Town Centre Reset Strategy & Projects document. It is a list of detailed actions to be undertaken between now and March 2025 to support the revitalisation of the Town Centre. These actions will be delivered alongside the large-scale strategic town centre projects such as the regeneration of the former Odeon building and the master-planning of the redevelopment of Park Mall shopping centre, which sit outside of this Action Plan. This plan outlines the expected costs of projects, and the funding available across a range of sources to deliver, including allocations available from Section 106 and UK Shared Prosperity Fund.

Projects

The projects under Town Centre Reset fall under three categories: Economic Development, Safety and Wellbeing and Environment and Land

Economic Development and Culture	Safety and Wellbeing	Environment and Land
Town Centre Business Support Programme Helping to revive areas across the town, providing financial support to help local businesses bring empty commercial properties back into use	Safer Streets Project Using external grant award to make Town Centre streets safer, particularly for female residents, visitors and commuters	Feature Lighting Scheme Bringing animation to the buildings and streets with a range of lighting strategies, initially looking at the lighting of trees and landscape
Made in Ashford Supporting social enterprise on the High Street, providing a base for creative businesses in Ashford and wider Kent	Parking Strategy Developing a holistic and longer-term approach to resolve parking related issues and meet the needs of residents, visitors and commuters	Installation of Play Equipment and integrated play within the Town Centre Finding multiple physical and operational ways to make the Town Centre ever more a family friendly destination
Love Ashford ABC's digital support platform for Ashford Town Centre promoting news, stories, offers and events	ANPR in ERCP and Park Mall Investment in our car parks to introduce automatic number plate recognition (ANPR) technology	Temporary Bank Street and Middle Row Public Realm Works Delivering pilot projects and interventions in these areas to improve the look and feel of the High Street such as seating and green spaces
Town Centre Business Grants Providing support to landlords or tenants to make improvements to their business premises and attract investment into Ashford Town Centre	Installation of EVCPs Increasing the number of Electric Vehicle Charging Points (EVCPs) in council-managed car parks	Town Centre Capital Permanent Works Opportunity to improve the town with permanent structures and public realm works based on success of temporary pilot schemes
Ashford Festival & Events Framework Enlivening spaces, strengthening civic pride and increasing visits and footfall in the town through a year-round programme of cultural activity including addressing blank walls and building surfaces by introducing murals	One You shop Delivery of a variety of free health services, support and advice to our community	
Revelation Ashford (St Mary's Arts Trust) Ensuring a regular, year-round, high quality and innovative arts programme in the heart of the town	Edinburgh Road Car Park Repairing and adapting this large multi-story car park to meet the needs of our Town Centre visitors	

Grassroots Arts & Cultural Facility opportunity scope / Business Plan Support the ambition of existing arts and cultural businesses in Ashford to stabilise and grow, exploring opportunities to create a multi-purpose grassroots arts facility in the town centre	Shared space and Lower High Street Improvements Joint ABC/KCC project improving the look and feel of the town centre as well as enhancing pedestrians spaces	
	Automation and/or removal of Bank Street Barrier A series of interventions to alter how the high street is accessed and managed, in particular vehicular access and servicing	
	Town Centre Business Accessibility Study Study to seek opportunities for improvements to the accessibility and wider quality of town centre locations	

Projected budget

Projects	2022/2023	2023/2024	2024/2025	Totals
Economic Development and Culture	£245,701	£238,500	£258,500	£742,701
Safety and Wellbeing	£1,542,000	£170,000	£120,000	£1,832,000
Environment and Land	£50,000	£138,000	£351,792	£539,792
	£1,837,701	£546,500	£730,292	£3,114,493

Income sources

Between now and March 2025 there is £710,406 available in three S106 agreements aimed at improving the town centre. Beyond the S106 funding, there is also an allocation of the UK Shared Prosperity Fund aimed at supporting the Town Centre Reset. Ashford's UKSPF Local Investment Plan is yet to be approved by Government but provisionally £282,000 could be available between April 2022 and March 2025. The UKSPF funding is intended to contribute to Pride in Place and supporting businesses and communities.

Income Source	Amount	Purpose
Section 106 Funding	£710,406	S106 funding from the Designer Outlet, The Range and John Lewis developments intended to drive footfall and improvements to the vitality of Ashford town centre
UKSPF	£282,000	To support footfall, placemaking and business prosperity in Ashford town centre. This funding is awaiting approval by central government.
ABC Secured Funds	£840,087	This funding is subject to the setting of Council budgets for 2023/24 and 2024/25
Other/External Safer Streets Fund Office for Zero Emission Vehicles (OZEV) Kent County Council	£550,000 £232,000 £500,000	Have enabled the Streetwise app delivery, creation of Safer Spaces, 8 new CCTV cameras, other public safety projects, EV charging points in ABC's car parks (match funded by the supplier) and delivery of the Shared Space work in town.
Total	£3,114,493	

The total investment opportunity into the town centre, through current work streams and bespoke projects could be **£3,114,493**. This income sources table shows how this investment can be made through existing budgets and funding sources, and the allocation of S106 funds and UK Shared Prosperity Fund.

Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Andrew Osborne, Head of Economic Development
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Adopt the Town Centre Reset Strategy and the Town Centre Reset Action Plan
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	24 th November 2022
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The Town Centre Reset Strategy has been produced to help take forward the prioritisation of improvement projects in areas of impact in the town over the next 3-years. This has resulted in the production of an associated Action Plan.</p> <p>Both documents highlight and demonstrate that there are a multitude of opportunities and benefits that a Town Centre Reset can support, promote and deliver against including: Increasing productivity and job opportunities (TG1) and Supporting growth in the visitor economy (TG4) to ensure our town centre is lively, safe, and where people of all ages live, work and visit, to come together and to enjoy events and activities.</p> <p>The Strategy suggests four key intervention areas, therefore proposed work would affect all town centre stakeholders and partners, most especially in the following areas: The T (the junction of Bank Street, High Street and Middle Row); Lower High Street; Lower Bank Street; and Elwick Place.</p> <p>The strategy highlights the importance of the continued involvement and engagement of local community groups, businesses, residents and wider stakeholders to ensure our Town Centre offer is viable, of quality, and widely enjoyed and valued.</p> <p>The Action Plan lists a series of projects that will look to be taken forward to deliver the strategy. These projects will need to develop Project Plans that will need to assess the impact of the individual actions on Equality. These projects include public realm schemes as well as works to car parks that will need to consider the accessibility of any new interventions as part of their development and implementation.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. 	Urban strategists and property development professionals Milligan were commissioned to develop the strategy, who assembled a team of wider experts to provide the necessary skills of data analysis and understanding, commercial expertise and experience, and creative design and planning.

<ul style="list-style-type: none"> • Include sources and key findings. 	<p>The initial stage of work focused on a research effort to understand the challenges and opportunities. This was followed by a context-led and sensitive strategy response to guide the delivery of transformational interventions.</p> <p>The evidence-based insights in the report suggest a range of Strategic Priorities, Delivery Approaches, Ideas and Action Areas for adoption.</p> <p>A continued and extensive consultation took place internally between the report authors, relevant portfolio holders, and officers across departments who have a role in supporting Ashford Town Centre from Planning, Safety & Wellbeing; Economic Development, and Environment & Land Management. It will be this group, led by Economic Development that will continue to monitor and review the agreed recommendations.</p>
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<p>Consultation:</p> <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>As noted above there has been and will continue to be consultation cross-departmentally within the council, as well as using recent findings and feedback from recent projects and initiatives with key stakeholders and town centre representatives, most notably the town centre forum.</p> <p>The strategy notes that:</p> <p><i>This plan will require “ownership” to be realised. The objectives are brave and the scope of work immense, yet the fruits of success will be sweet. What is required to manifest this success is the voice of a singular or collective leadership that owns the narrative of the plan, espouses a passionate belief in the plan and that owns the authority and ability to work through all to deliver the plan.</i></p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Positive
Middle age	Medium	Positive
Young adult	Medium	Positive
Children	Medium	Positive

<u>DISABILITY</u> Physical	Medium	Positive
Mental	Medium	Positive
Sensory	Medium	Positive
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	Medium	Positive
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	This strategy acknowledges its vital role in providing innovative responses to current sustainability challenges, whether it's linked directly to the Council's 'Green Pioneer' theme, or wider sustainability issues such as access to social infrastructure, economic inequality, health and wellbeing or public safety. The strategy and action plan highlights clear sustainability opportunities to be taken forward.
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	N/A

2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Due regard has been made to the equality duty throughout the development of the strategy and action plan. This work takes into account the need for the Town Centre to diversify and create a place that can meet the everyday needs of the surrounding communities. A place to live, work, visit and invest.</p> <p>There will be no unlawful discrimination arising from the decision.</p> <p>The proposal meets the aims of the equality duty as it is hoped that all members of the public will benefit from suggested improvements in the identified areas.</p> <p>Monitoring of the policy, procedure or decision and its implementation will be undertaken and reported by the Head of Economic Development on behalf of the core cross-departmental working group.</p>
<p>EIA completion date:</p>	<p>14th November 2022</p>

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Agenda Item No: 13
Report To: Cabinet
Date of Meeting: 24 November 2022
Report Title: Residents' Survey 2022
Report Author: William Race
Job Title: Business Intelligence Analyst
Portfolio Holder: Cllr. P Feacey
Portfolio Holder for:

Summary:

The 2022 Residents' Survey was open between May 3rd and June 4th 2022, during which time it was completed by a representative sample of 1,132 residents. The survey asked residents for their views regarding:

- The council and specific service areas
- Their local area
- Topics of current interest to the council

The results indicate that residents' general views on the council and its performance have stayed broadly consistent. **Satisfaction with key services remains high and efforts to improve community safety and communication with residents appear to have been effective. Feedback on the council's response to the pandemic was positive. Residents were generally happy with digitalisation efforts. The continued importance of accessible in-person options for older and digitally excluded residents was also made clear.**

The results of this survey will be used for the purpose of continued monitoring of public opinion regarding the council and to gauge progress in key areas. The results will also be used by services for the purpose of continuous improvement.

Key Decision: NO

Significantly Affected Wards: N/A

Recommendations: The Cabinet is recommended to:-

- I. Note the results of the 2022 Residents' Survey
- II. Endorse a future campaign through Ashford for You Magazine and social media on ways to get involved in volunteering including easily accessible and smaller scale opportunities.

Policy Overview:	The 2022 Residents' Survey gathered views on the council, service areas and topics of current interest. The question set was informed by Local Government Association standards as well as work on previous surveys in 2018 and 2020.
Financial Implications:	None.
Legal Implications:	None.
Equalities Impact Assessment:	Not required as the survey was conducted to gain feedback from the public. The survey included questions related to protected characteristics and analysis of these responses can be used to aid the authority in ensuring that it is meeting its equalities objectives.
Data Protection Impact Assessment:	Personal data for the survey was collected and processed in compliance with the Data Protection Act 2018 and UK GDPR. Returned surveys were fully anonymised with no data collected that would make participants identifiable. Any data which could be attributed to an individual was destroyed.
Risk Assessment (Risk Appetite Statement):	N/A
Sustainability Implications:	Distribution of survey invitations involved the printing of 9,970 A4 sheets as well as associated letters. In previous years the full survey has been issued to households, this year participants were directed to complete online, leading to a reduced carbon impact.
Other Material Implications:	None.
Exempt from Publication:	NO
Background Papers:	ABC Residents' Survey 2022 – Full Report
Contact:	william.race@ashford.gov.uk – Tel: (01233 330208)

Report Title: Residents' Survey 2022

Introduction and Background

1. The Ashford Borough Council Residents' Survey is a biennial piece of research which aims to capture the broad opinion of residents regarding council services and engagement as well as their local area. The purpose of the survey is to monitor key indicators of public opinion regarding the council. Additionally, to gain insight into residents' views on topics which are of particular relevance at the time of survey, such as service digitalisation.

Methodology

2. Participants were sampled at random from the council tax database. 9,700 invitations were sent by post. These contained a QR code and link to complete the survey online as well as information about the council. Contact information for the council was also included and paper copies of the survey were sent by post on request.
3. Survey questions consisted of a mixture of both open and closed styles. For closed questions respondents would answer by selecting an option from a fixed scale (very satisfied to very dissatisfied, strongly agree to strongly disagree and so on). For open questions, respondents had the opportunity leave a detailed comment. A copy of the questionnaire can be found in appendix 2.
4. Of the 9,970 surveys sent, 1,132 complete responses were recorded, a response rate of approximately 11%. Of the completed surveys, 98% were completed online and 2% were completed by post. Results fall within maximum margin of error of 2.9% at the 95% confidence level. This means that if all adults in Ashford completed the survey, the results would be at most +/- 2.9% different from the survey sample. For example, if 50% of our sample answered 'yes' to a question, we can confidently say that the true value lies between 47.1% and 52.9%.
5. Results were weighted to Census 2021 population figures and analysed through comparison to Local Government Association benchmarks as well as data gathered from previous residents' surveys. Demographic information was used to cross-tabulate responses in order to observe differences of opinion between groups.

Key Findings

6. Key findings from the survey are reported here, with a complete analysis available in the full report (appendix 1). Overall, satisfaction with the council and its services has remained consistent since 2020, with environmental services being particularly praised. Communication with residents and perceptions of public safety were improved, whilst residents were also broadly happy with digitalisation of services by the council. However, a significant

number of residents would still prefer to engage with the council non-digitally. Additionally, residents continue to feel they have little influence over council decisions whilst development and car parking provision in the borough remain areas where residents were less satisfied.

7. A large majority of residents were satisfied with their local area as a place to live (78%). Overall, 63% agreed that they had pride in their local area, whilst 44% indicated that they felt a part of their local community. Older residents and residents in rural areas were more likely to give a positive response to these questions than younger residents and residents in urban areas. Overall, residents agreed that the council had supported the community well during the Coronavirus pandemic, with only 12% disagreeing.
8. A majority of residents indicated that they were satisfied with how Ashford Borough Council runs its services (59%). However, only 38% of residents agreed that the council provided value for money, a decrease from 47% in 2018. 90% of residents were satisfied with waste collection in the borough, whilst parks, play areas and general cleanliness also receiving positive ratings. 42% of residents indicated that they were dissatisfied with development. 30% indicated they were dissatisfied with car parking and many older residents felt uncomfortable with using the Ringo parking app.
9. Community safety was a key issue for many residents, with 74% indicating that it was one of the most important things in making somewhere a good place to live. 47% of residents indicated that community safety was one of the things they would most like to see improved locally. A large majority of residents felt safe during the day (88%), whilst 29% stated that they felt unsafe after dark to some extent. 41% of residents in deprived postcodes stated that they felt safe after dark, an improvement from 32% in 2020.
10. A majority of residents indicated that they felt well informed about services and benefits provided by the council (58%). Communication with residents in the most deprived postcodes appears particularly improved, with 65% saying they felt well informed, up from 39% in 2020. Residents were most likely to consult the council's website and 'Ashford for You' magazine when looking for information about the council. Residents indicated that they would prefer more information through social media as well as posted letters or leaflets.
11. 62% of residents indicated that they were happy with the current provision of digital services. Residents aged 30 to 60 were most likely to want more online provision and 63% of this age group indicated that they would be interested in viewing council meetings online. Residents aged over 60 were most likely to want increased access to in-person services and least likely to be interested in viewing online meetings.
12. Finally, residents were asked about their commuting habits and interest in volunteer work. 65% of residents used a car as part of their commute. 15.5% used an alternative form of transport for at least part of the journey. Of these, rail travel was most frequently used, followed by cycling and then busses. 27% indicated that they worked from home most of the time. 20% of residents indicated that they already volunteer in some capacity. 33% said that they would be interested, but many cited full time work and childcare as barriers. Given that there is a significant number of people that would be interested if

they had more time, a campaign focusing on ways to get involved in volunteer work that is easily accessible without significant time commitments could be considered for inclusion in a future Ashford For You magazine.

Equalities Impact Assessment

13. Not required as the survey was conducted to gain feedback from the public. The survey included questions related to protected characteristics and analysis of these responses can be used to aid the authority in ensuring that it is meeting its equalities objectives.

Implications and Risk Assessment

14. Continued monitoring of key indicators through the Residents' Survey will allow the council to identify broad areas of improvement and highlight public concerns. Additionally, publication of the survey results and council response will improve council visibility and make clear the council's desire to constructively engage with residents and hear their views.
15. There is minimal financial risk associated with the completion of future surveys. Costs can be met within existing budget and resources.

Other Options Considered

16. The report is for noting and designed to ensure that resident's responses are communicated to members and officers.

Reasons for Supporting Option Recommended

17. Considering the findings of the residents' survey will ensure that our service provision remains relevant to local people. It identifies where our services are meeting residents' requirement and where we need to develop our services.

Next Steps in Process

18. Individual services are considering the survey responses and these will inform their future service provision. Key changes to services in response to the survey will be communicated through the council's website and other channels.

Conclusion

19. The survey was conducted to gather the views of our local residents from a statistically valid sample. The results indicate that generally performance is consistent with previous years which, given external factors such as the pandemic as well as political and economic instability, is a positive outcome. We continue to monitor performance of services through our quarterly performance report which will be monitored against areas identified in the survey.

Portfolio Holder's Views

20. The residents' survey has provided the council with valuable insight into the views of local residents about their local areas and the services they receive from Ashford Borough Council. We have listened carefully to what residents have said and will act to make improvements, particularly in areas where satisfaction is lower. It is pleasing that Ashford continues to perform well against national and regional benchmarks.

Contact and Email

William Race, Business Intelligence Analyst

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9 November 2022

Contact: William Race
william.race@ashford.gov.uk



Residents' Survey 2022

Acorn Data by CACI 2022

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Executive Summary

The 2022 Residents' Survey was open between May 3rd and June 4th 2022, during which time it was completed by a representative sample of 1,132 residents. The survey asked residents for their views regarding:

- The council and specific service areas
- Their local area
- Topics of current interest to the council

The results indicate that residents' general views on the council and its performance have stayed broadly consistent. Satisfaction with key services remains high and efforts to improve community safety and communication with residents appear to have been effective. Feedback on the council's response to the pandemic was positive. Residents were generally happy with digitalisation efforts. The continued importance of accessible in-person options for older and digitally excluded residents was also made clear.

The results of this survey will be used for the purpose of continued monitoring of public opinion regarding the council and to gauge progress in key areas. The results will also be used by services for the purpose of continuous improvement.

Introduction to the survey

The Ashford Borough Council Residents' Survey is a biennial piece of research which aims to capture the broad opinion of residents regarding council services and engagement as well as their local area. The survey consists of 4 broad question groups:

- **Local Government Association questions**

These are asked at the beginning of the survey in a specific format and order so as to be comparable to national and regional figures collected by the LGA every 4 months.

- **Ashford Borough Council core questions**

These constitute the middle portion of the survey and are carried over from previous residents' surveys when possible. They cover topics such as satisfaction with specific council services, pride in the local area and how residents engage with the council.

- **Unique yearly questions**

These questions generally cover topics which are of particular interest at the time of the survey. In previous surveys these have been topics such as the corporate plan and town centre usage. This year's questions cover service digitalisation, response to the coronavirus pandemic and commuting habits.

- **Equalities monitoring questions**

Asked at the end of the survey, these questions cover personal information about the participant for the purposes of equalities monitoring. They are also used as data for assigning survey weights, in order to make the survey as representative of the wider population as possible.

Sampling and Methodology

Sampling Methodology

Participants were sampled at random from the council tax database. The council tax database contains approximately 50,000 records, from which 10,000 were taken. 30 records were removed due to incomplete or incorrect information, leaving a final sample of 9,970 participants.

Distribution and Responses

9,970 invitations to the survey were distributed by post, each containing a link and QR code to access the survey online. Paper copies of the survey were distributed by the council where requested.

In total, 1,160 responses were received online and 23 by paper request. Following sample cleaning to remove duplicate responses, the final study sample was 1,132 individuals. This equates to an overall response rate of approximately 11%.

Results fall within maximum margin of error of 2.9% at the 95% confidence level. This means that if all adults in Ashford completed the survey, the results would be at most +/- 2.9% different from the survey sample. For example, if 50% of our sample answered 'yes' to a question, we can confidently say that the true value lies between 47.1% and 52.9%.

Sample Weighting

Weights were assigned to results based on age and reported gender. Target sample proportions were taken from the recently released 2021 census results for Ashford Borough. The purpose of weighting was to account for gender biases inherent in the council tax register and differing response rates between groups.

Equalities and Sample Analysis

A demographic analysis of the survey sample is an important step to identify any potential biases or limitations, as well as inform future studies and evaluate the sampling method.

Age Groups

Differing response rates between age groups is a well-studied phenomenon in survey based research. Older individuals are more likely to respond to surveys regardless of format and this same pattern can be observed in the Residents' survey (Fig.1).

Despite the online format of the survey, younger individuals were still significantly under-represented, particularly those in the 20-29 age group. However, this does also indicate that the online format was not a significant barrier to completion of the survey by older residents. Additionally, the population from which the sample was drawn was council tax payers, which is likely to skew older than the wider population. A portion of younger residents may be in higher education or living at home, for example, meaning they are less likely to appear on the register. Alternative channels through which to gather the views of younger residents could be explored.

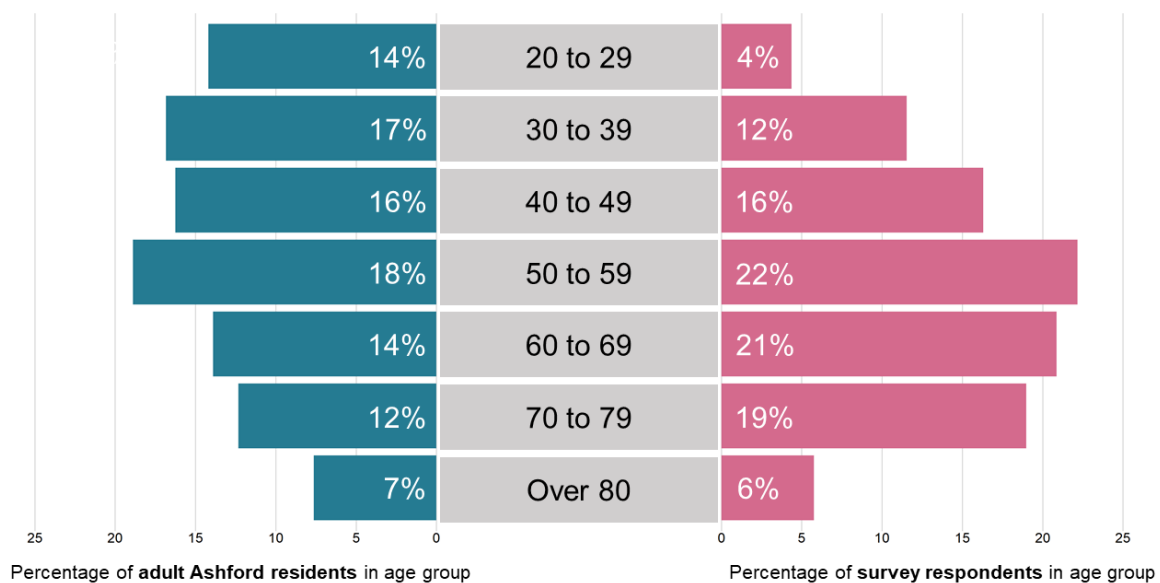


Figure 1. Distribution of age groups in the study sample compared to Ashford Borough. Data for Ashford from 2021 Census preliminary results.

Acorn Categories

Acorn is a geo-demographic segmentation tool which uses a range of private and public data sources to sort UK postcodes into demographic categories. These categories are defined by factors such as income, household relationships and consumer habits. There are 5 overarching residential Acorn categories.

1

Affluent Achievers

22.5% of UK

These are some of the most financially successful people in the UK. They live in affluent, high status areas of the country. They are healthy, wealthy and confident consumers.

2

Rising Prosperity

9.3% of UK

These are generally younger, well educated, professionals moving up the career ladder, living in our major towns and cities. Singles or couples, some are yet to start a family, others will have younger children.

3

Comfortable Communities

27% of UK

This category contains much of middle-of-the-road Britain, whether in the suburbs, smaller towns or the countryside. They are stable families and empty nesters in suburban or semi-rural areas.

4

Financially Stretched

23.2% of UK

This category contains a mix of traditional areas of Britain, including social housing developments specifically for the elderly. It also includes student term-time areas.

5

Urban Adversity

16.8% of UK

This category contains the most deprived areas of towns and cities across the UK. Household incomes are low, nearly always below the national average.

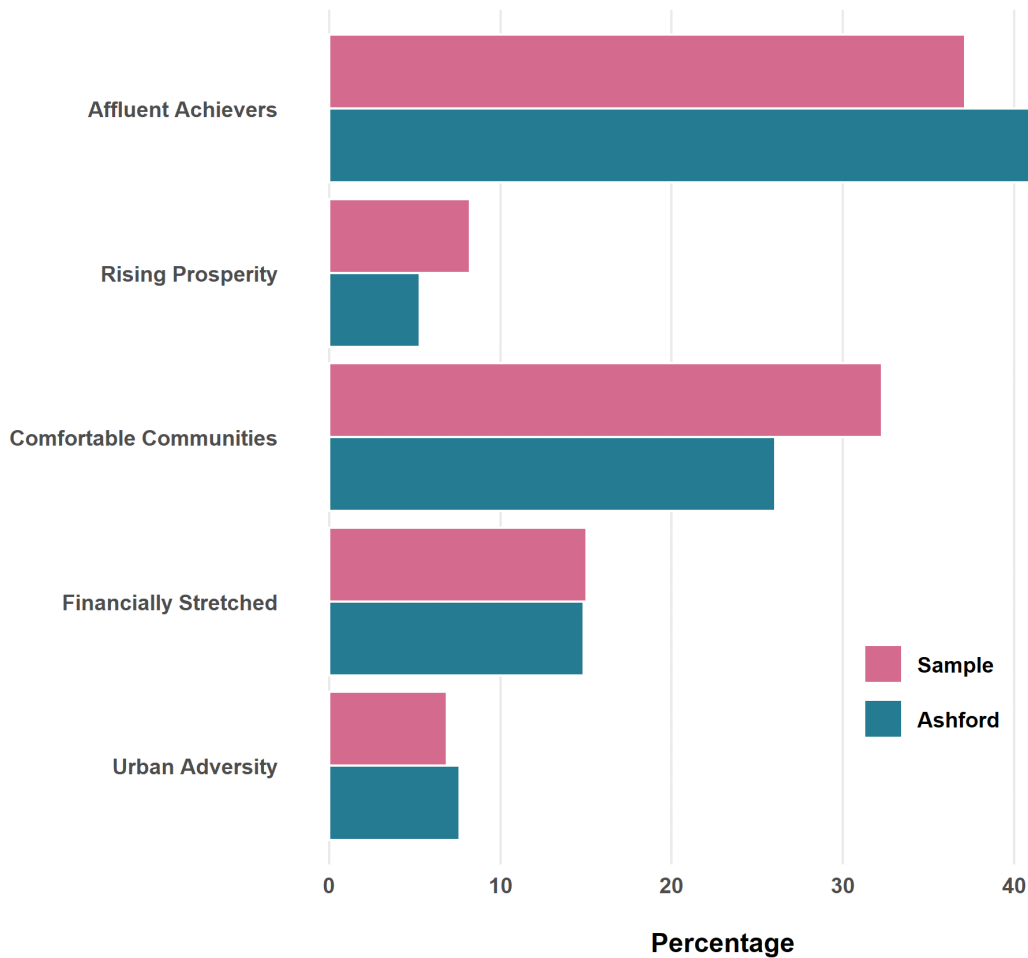


Figure 2. Percentage spread of residential Acorn categories in study sample and Ashford.

Overall, the ratio of acorn categories in the sample was consistent with those in the broader population (Fig.2). Affluent Achievers are the most common category in Ashford Borough at **46%** of the population, but were slightly under-represented in the sample. Rising Prosperity and Comfortable Communities were slightly over-represented. The percentage of Financially Stretched and Urban Adversity categories in the sample was representative of the wider population.

This is a positive result and indicates that we are managing to reach a broad spectrum of residents through the survey. Most notably the response from less economically affluent areas did not appear to be impacted by the online format despite these areas being more at risk of digital exclusion.

Reported Gender

The study sample contained a larger percentage of male participants than is seen in the wider Ashford population, where there are roughly equal numbers of male and female residents (Fig.3). We propose that this is a product of gender bias among individuals recorded on the council tax register, rather than female residents being less likely to respond to the survey for any reason. Whilst significant differences were not observed between male and female responses to the survey, this is a limitation of the sampling method which we will bear in mind when conducting future surveys.

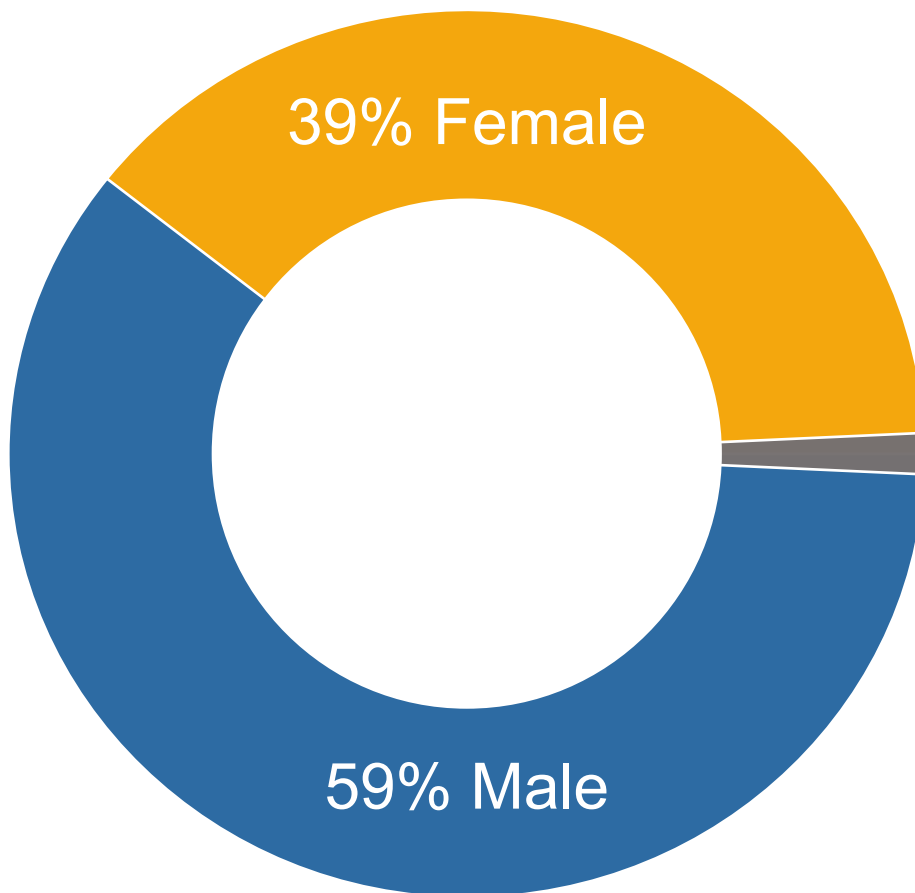


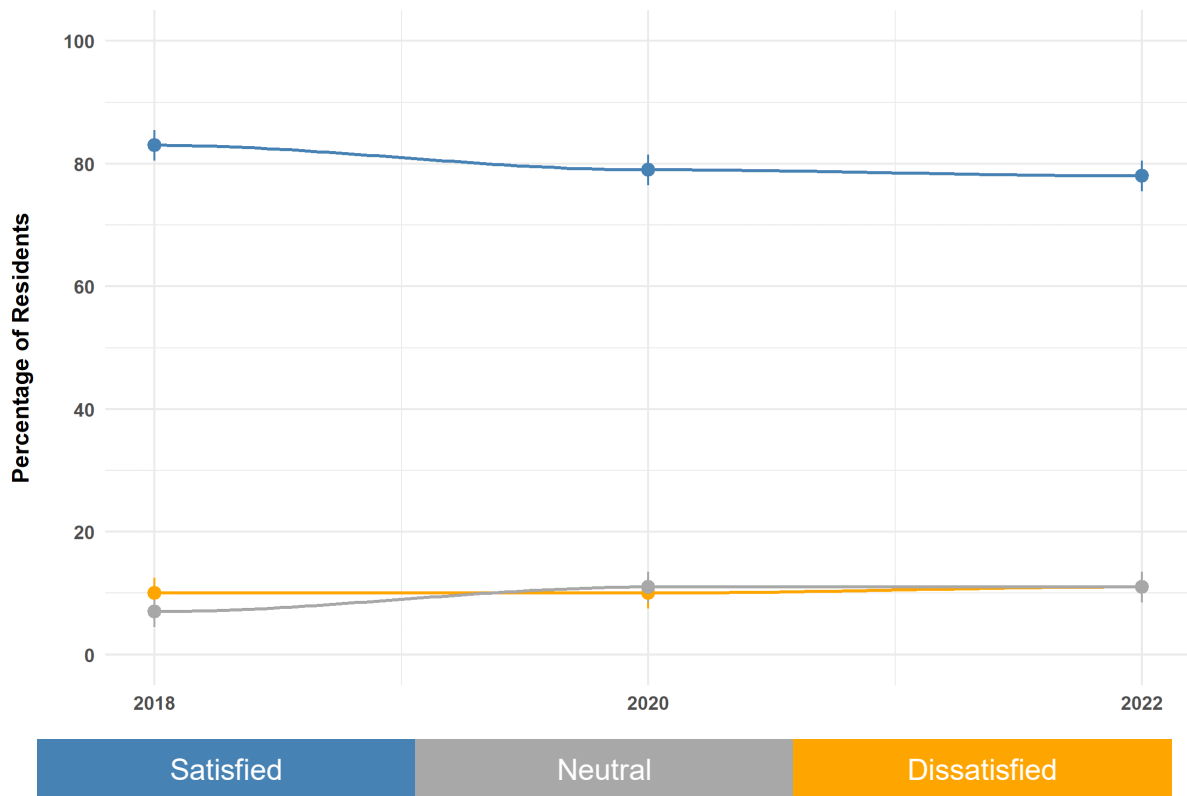
Figure 3. Percentage of male (59%) and female participants (39%) in the study sample. 2% reported identifying as neither male nor female.

Reported Disability

162 residents (14%) reported having a disability. Disabilities related to communication and hearing were the most frequently reported, as well as mobility among older residents in particular.

Local Government Association Benchmark Questions

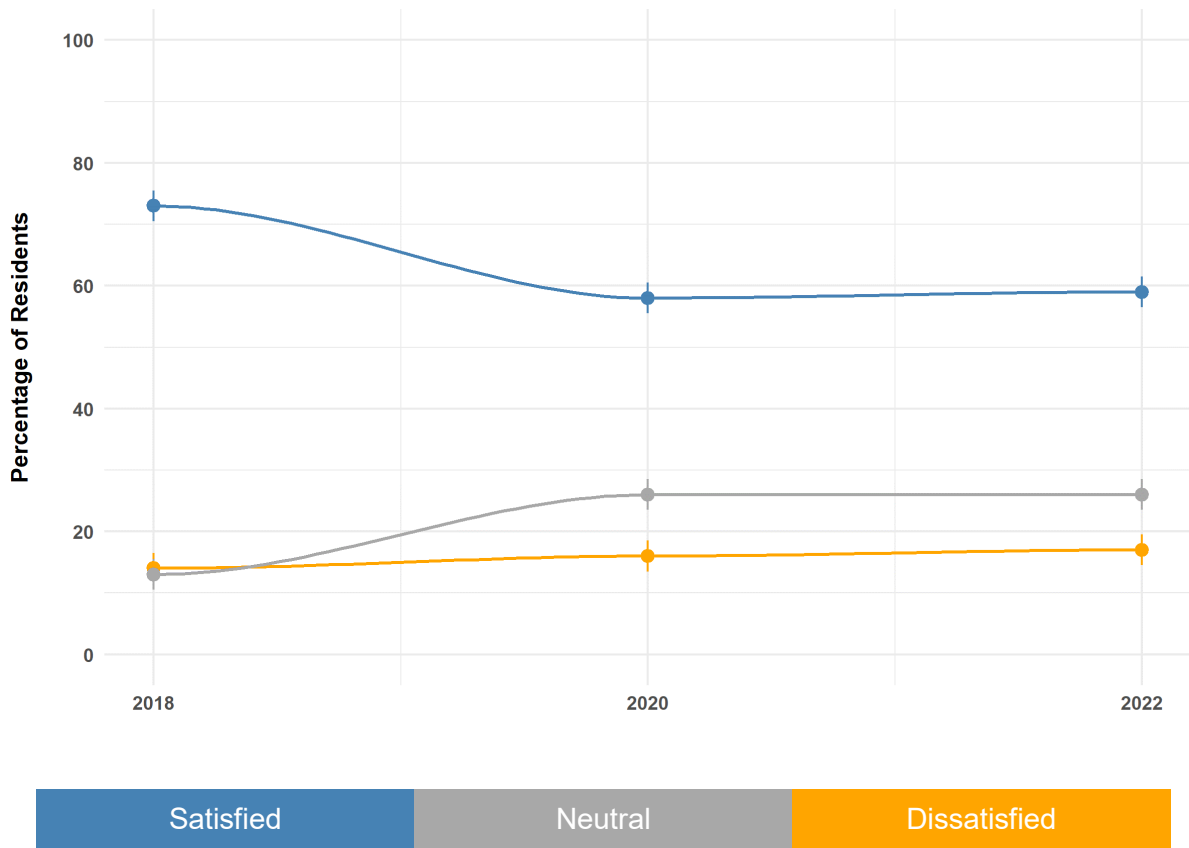
“Overall, how satisfied or dissatisfied are you with your local area as a place to live?”



A large majority of residents (**78%**) indicated that they were satisfied with their local area to some extent. This is in line with national average of **80%** for this question according to Local Government Association benchmarks, but is slightly above average for the South East region (**74%**). These results also broadly mirror the findings of previous Residents' surveys in 2018 and 2020, with percentage differences not proving statistically significant. Notable results for this question include:

- Those in the Affluent Achievers category were most satisfied with their local area (**84%**). Those in the Financially Stretched (**72%**) and Urban Adversity (**69%**) categories were least satisfied.
- Rural residents were more likely to say that they were satisfied (**85%**) than urban residents (**74%**).

“How satisfied or dissatisfied are you with the way Ashford Borough Council runs its services?”

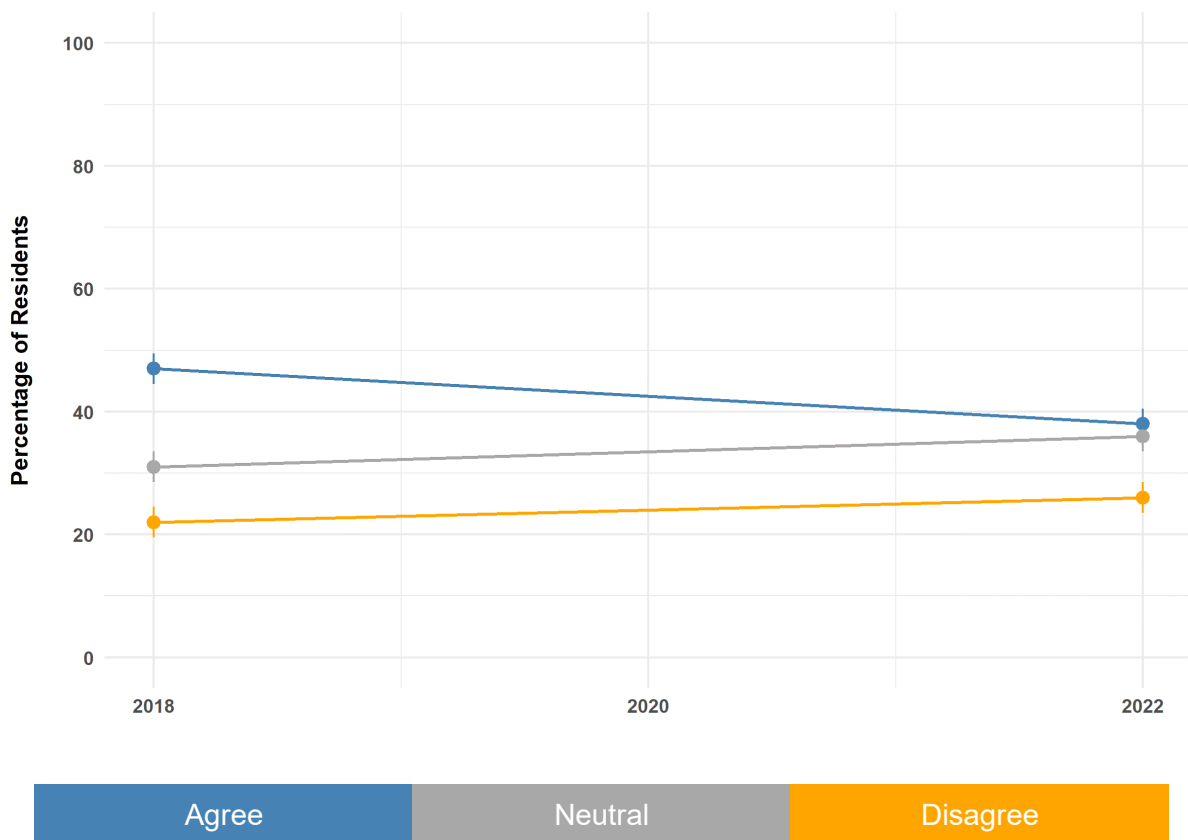


Overall, 60% of residents indicated that they were satisfied with the way services are run by the council to some extent. **17%** indicated that there were dissatisfied to an extent. Around a quarter of residents indicated that they were neither satisfied nor dissatisfied. These results broadly reflect local government averages for England and the South East. Significant differences were not seen between Acorn categories.

These figures are also broadly consistent with those recorded in the 2020 Residents' survey. Notable results for this question include:

- High satisfaction with services among older residents. **64%** of residents aged 60-69 and **75%** of those aged 70-79 stated they were satisfied. **31%** of those over 80 years old stated they were very satisfied.
- Generally lower satisfaction in younger age groups. Only **40%** of 20-29 year olds indicated they were satisfied. However, **40%** also gave a neutral answer of 'neither', which may generally reflect lower usage of services.

“To what extent do you agree or disagree that Ashford Borough Council provides value for money?”

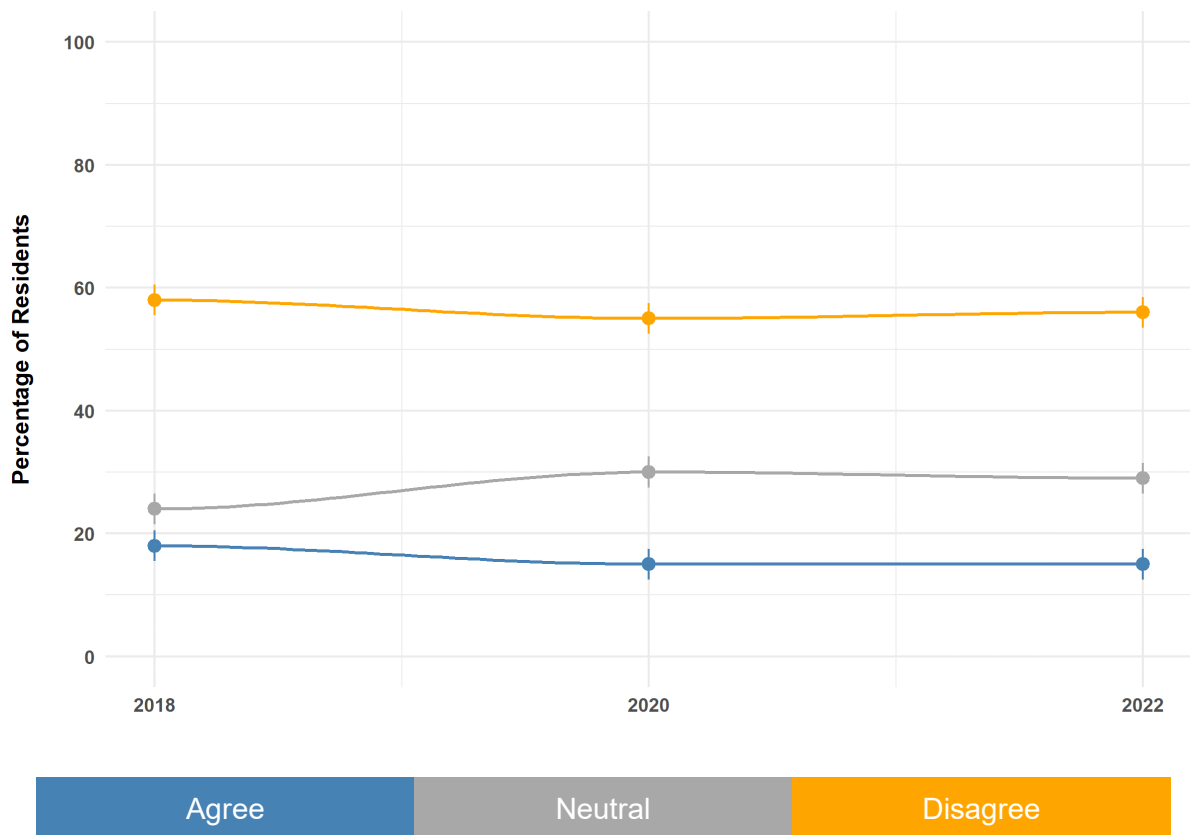


The Local Government Association has historically seen a large number of people respond neutrally to this question. Additionally, rates of positive responses have steadily decreased over the last 10 years, with a spike in 2020 during early stages of the coronavirus pandemic. Results from the Residents’ Survey broadly reflect national trends, though a high number of residents answered ‘neither agree nor disagree’ (**36%**) compared to the national average (**29%**).

Notable results for this question include:

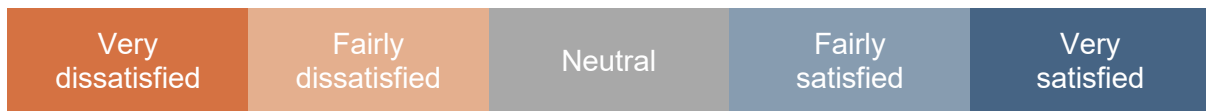
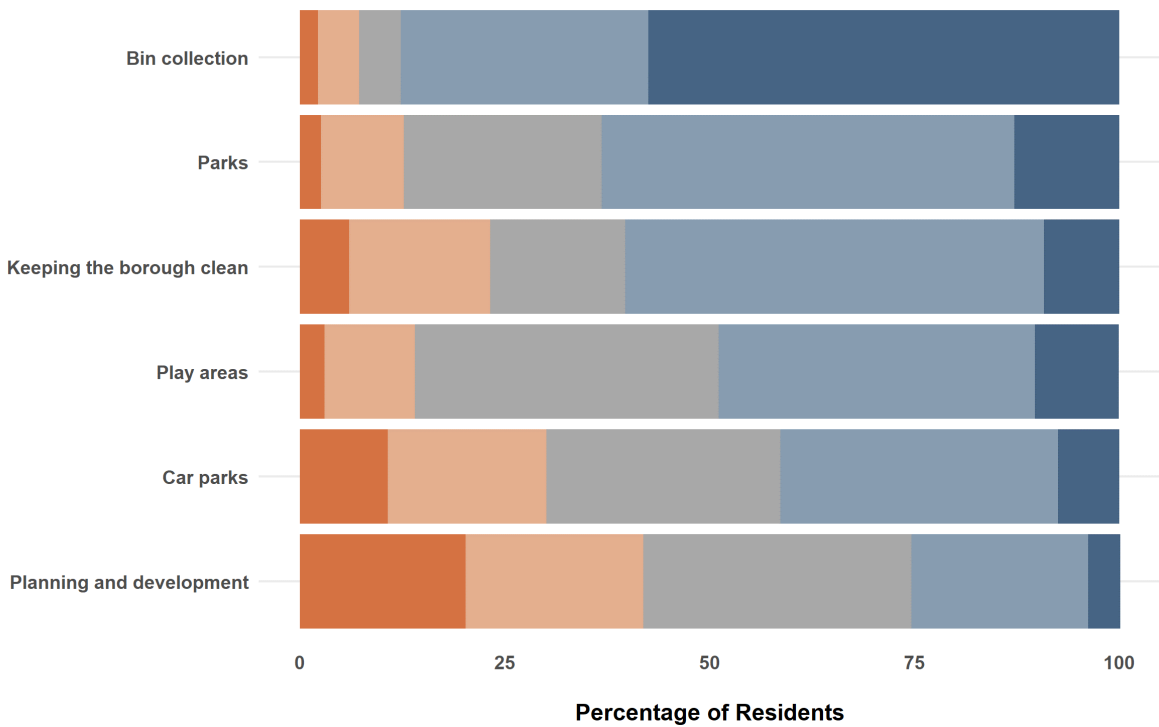
- In 2018 the percentage of residents who agreed with the question was **47%**, whereas in 2022 this has dropped to **38%**.
- The number of residents who disagreed has not increased significantly and there has primarily been a shift from ‘tend to agree’ to ‘neither agree nor disagree’.
- Residents in Acorn categories typically associated with lower incomes were slightly more likely to agree that the council provided value for money.

“To what extent do you agree or disagree that you can influence the decisions that Ashford Borough Council makes?”



Resident’s perceptions of influence over council decision making have historically scored poorly and this trend has not changed significantly in the last 2 years. Overall, just over half of residents (**56%**) disagreed did not feel that they could influence council decision making.

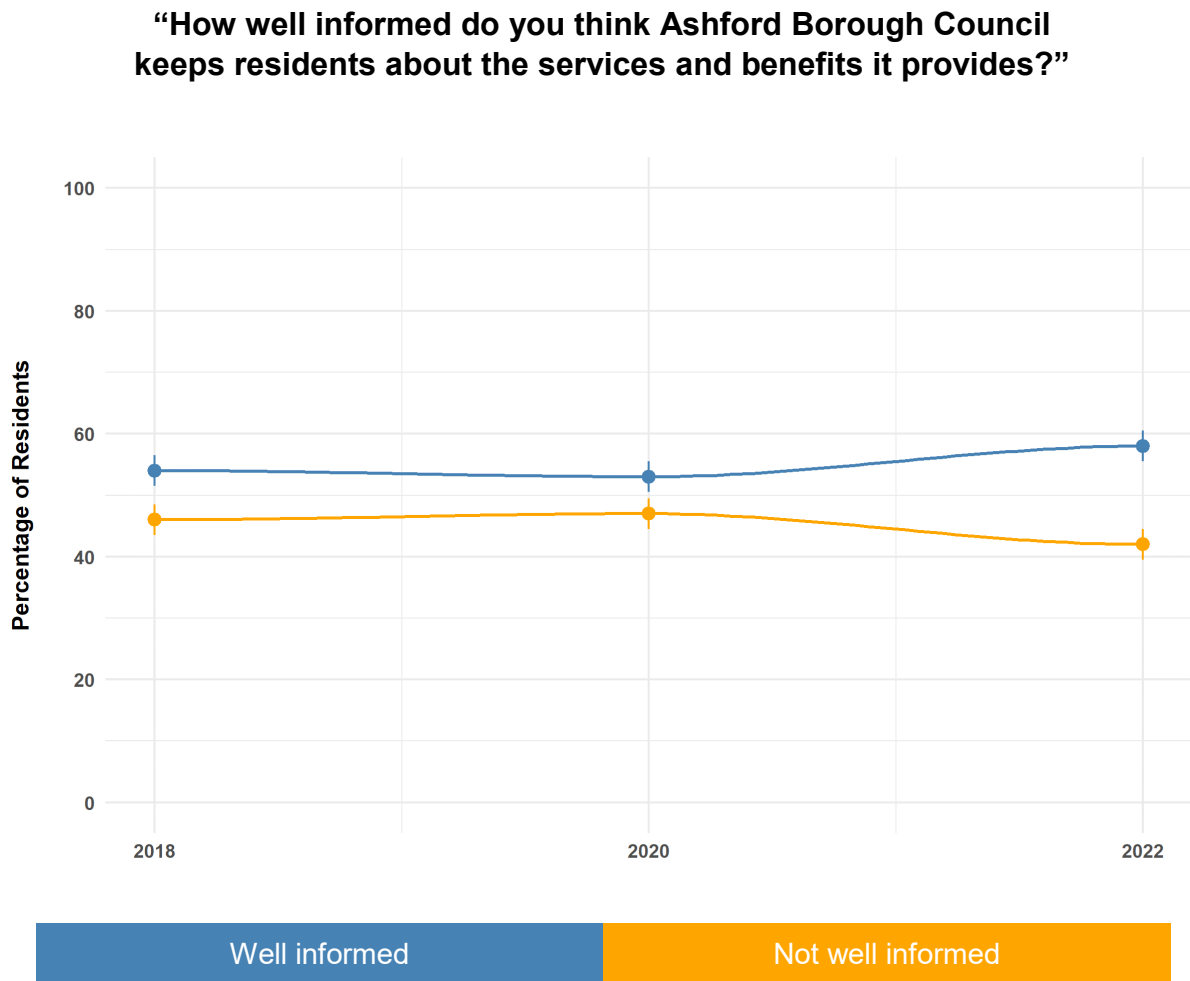
Satisfaction with Specific Service Areas



Residents were broadly satisfied with most service areas, with planning and development in the borough being the area residents expressed the most dissatisfaction with (**42%** dissatisfied overall). Collection of bins, green spaces and general cleanliness were areas of high satisfaction. Car parks were another area of relatively higher dissatisfaction (**30%** dissatisfied). **90%** of residents were satisfied with the collection of bins in the borough, continuing a trend of high satisfaction with this service.

This question also included an open text box where residents could leave feedback. Common feedback included concerns that supporting infrastructure was not being provided along with residential expansion and that preservation of greenfield sites was not prioritised. Additionally, that council car parks were generally too expensive and specific areas of the borough, such as busy roadsides, required more regular cleaning.

Communicating with Residents

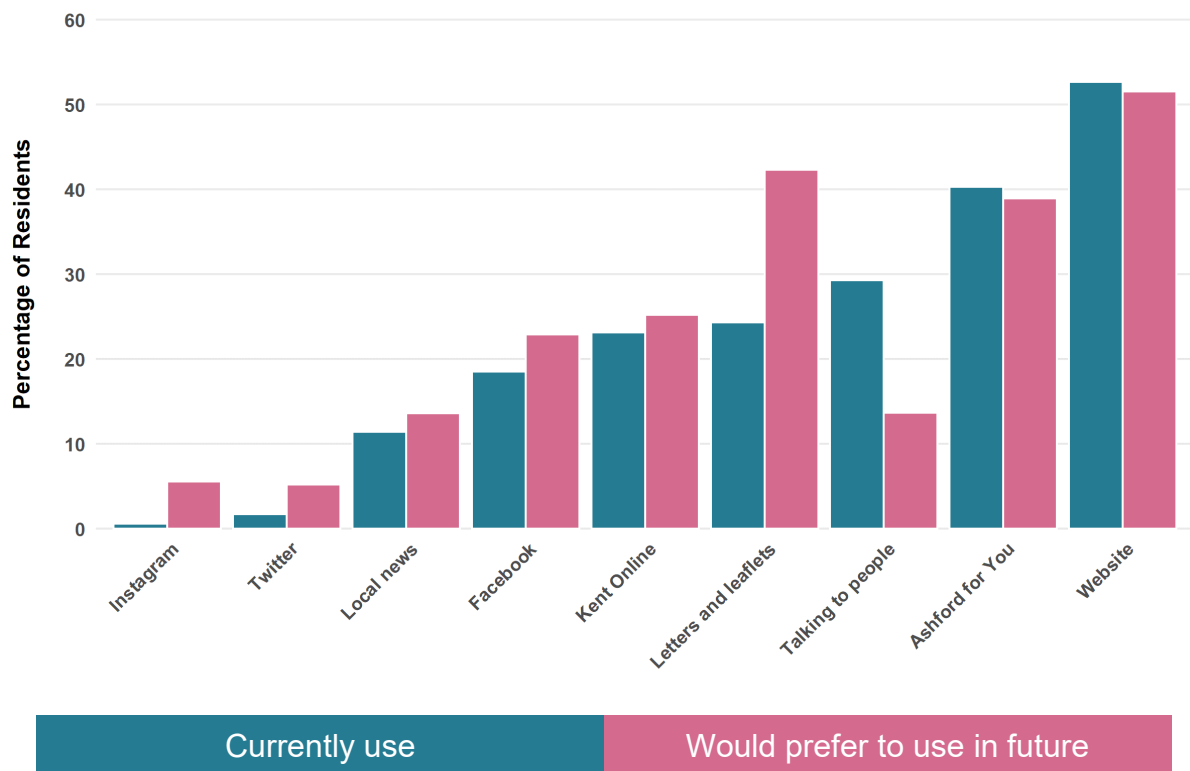


The number of people saying they felt fairly or very well informed about services and benefits has increased slightly since 2018 and 2020, during which time it remained static. In 2022, **59%** stated that they felt very or fairly well informed, whilst **41%** did not feel well informed. Notable results for this question include:

- **65%** of participants in the Urban Adversity acorn category indicated that they felt very or fairly well informed. This is a significant increase from 2020, where just **39%** felt informed, the lowest number of any category.
- As in previous years, older participants were more likely to feel well informed than younger participants. Only a quarter of participants over 70 indicated that they did not feel well informed, compared to just over **50%** of those under 40.

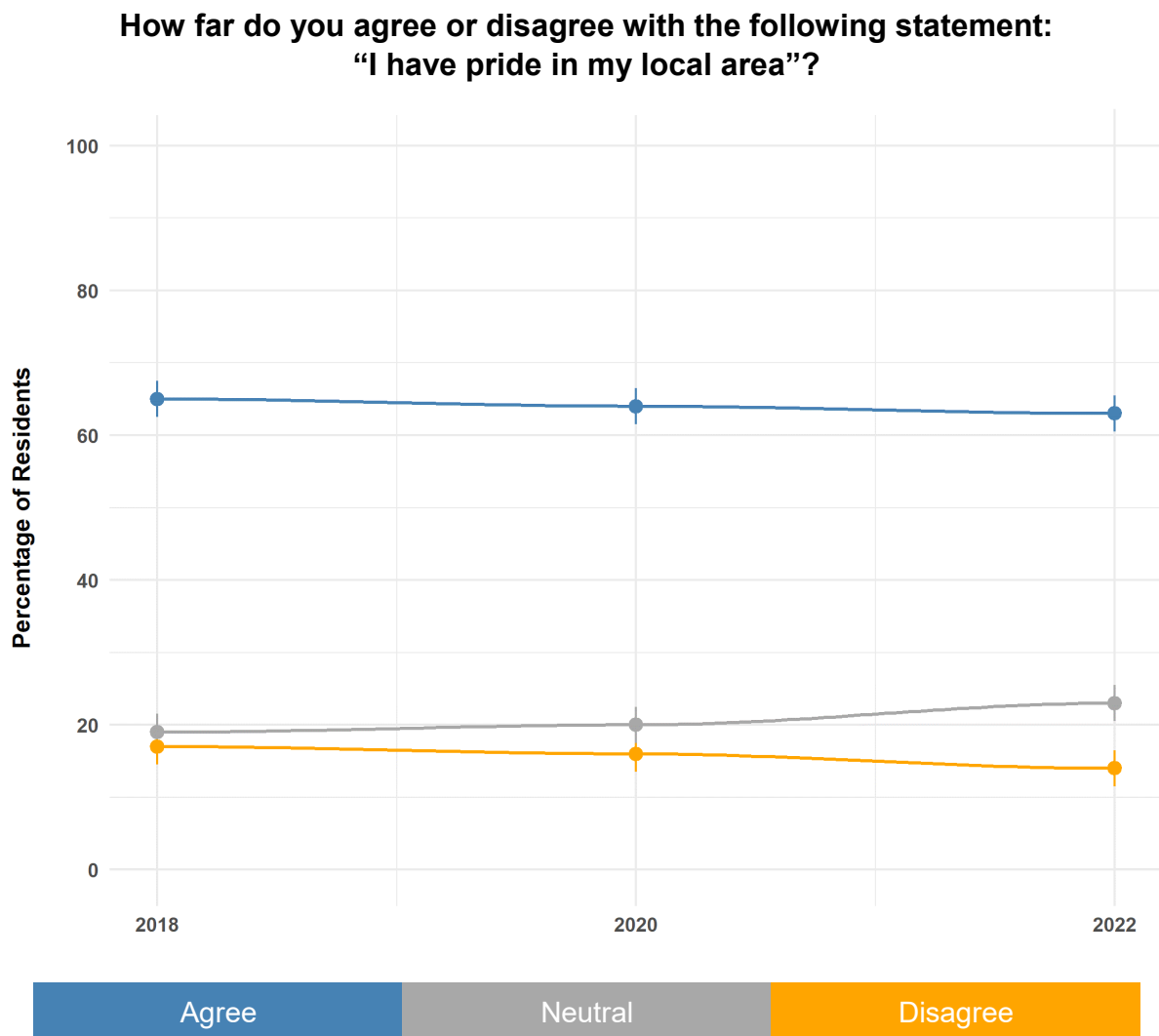
- However, the number of young people saying they felt well informed has increased significantly from approximately **34%** in 2020 to **46%** in 2022.

“How do you find out about the services and benefits Ashford Borough Council provides?”



- As in previous years, residents indicated that they most often make use of the council’s website (**53%**) and Ashford for You magazine (**41%**) when looking for information.
- A large number of residents indicated that they would like to receive informative letters and leaflets in future (**42%**).
- Facebook was by far the most used social media platform by residents for interactions with the council. **21%** of residents indicated that they use currently use social media to find information, but **32%** indicated that they would like to use this in future, particularly Twitter and Instagram.

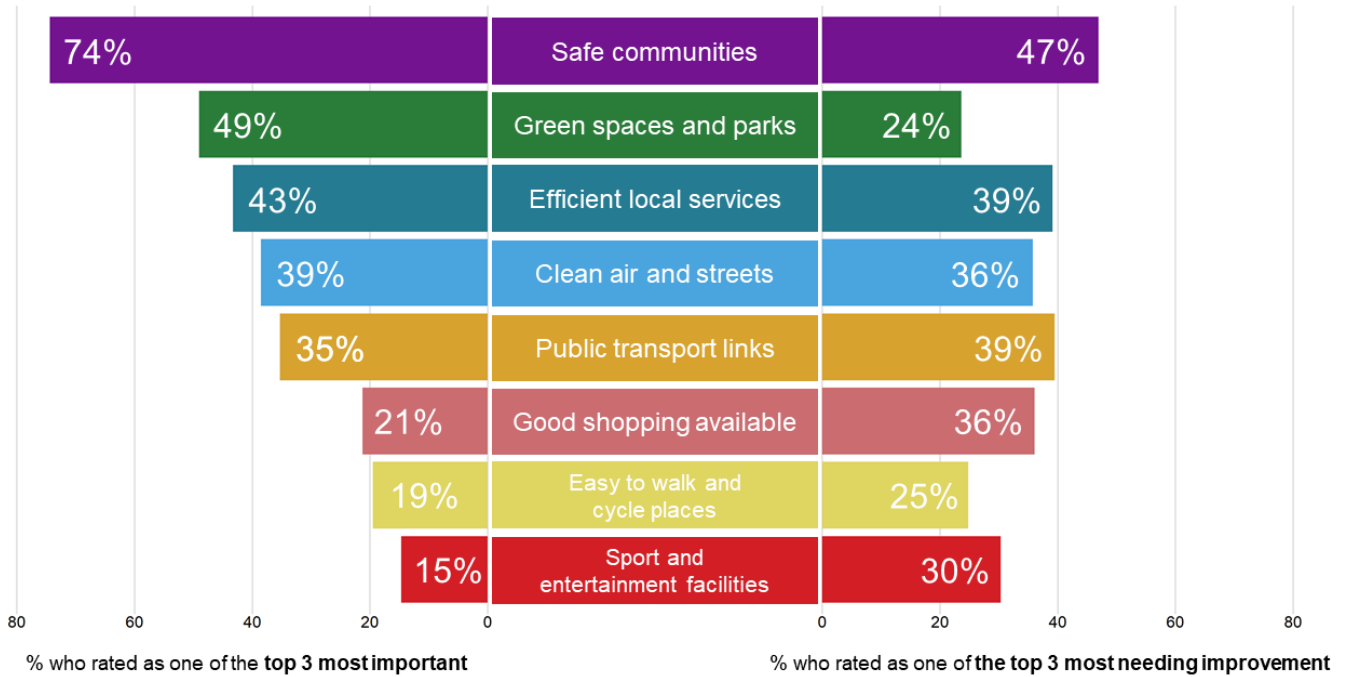
Local Pride, Community and Safety



A majority of residents agreed that they had pride in their local area (**63%**), whilst a small minority disagreed (**14%**). The number of people who agreed with this statement has remained stable since 2018, but the number who expressed disagreement has trended downwards. Notable results for this question include:

- Residents in Financially Stretched and Urban Adversity categories were significantly less likely to agree with the statement than those in more affluent categories.
- Those living in rural areas were more likely to agree (**75%**) than those in urban areas (**57%**).
- Older residents were more likely to agree than younger residents.

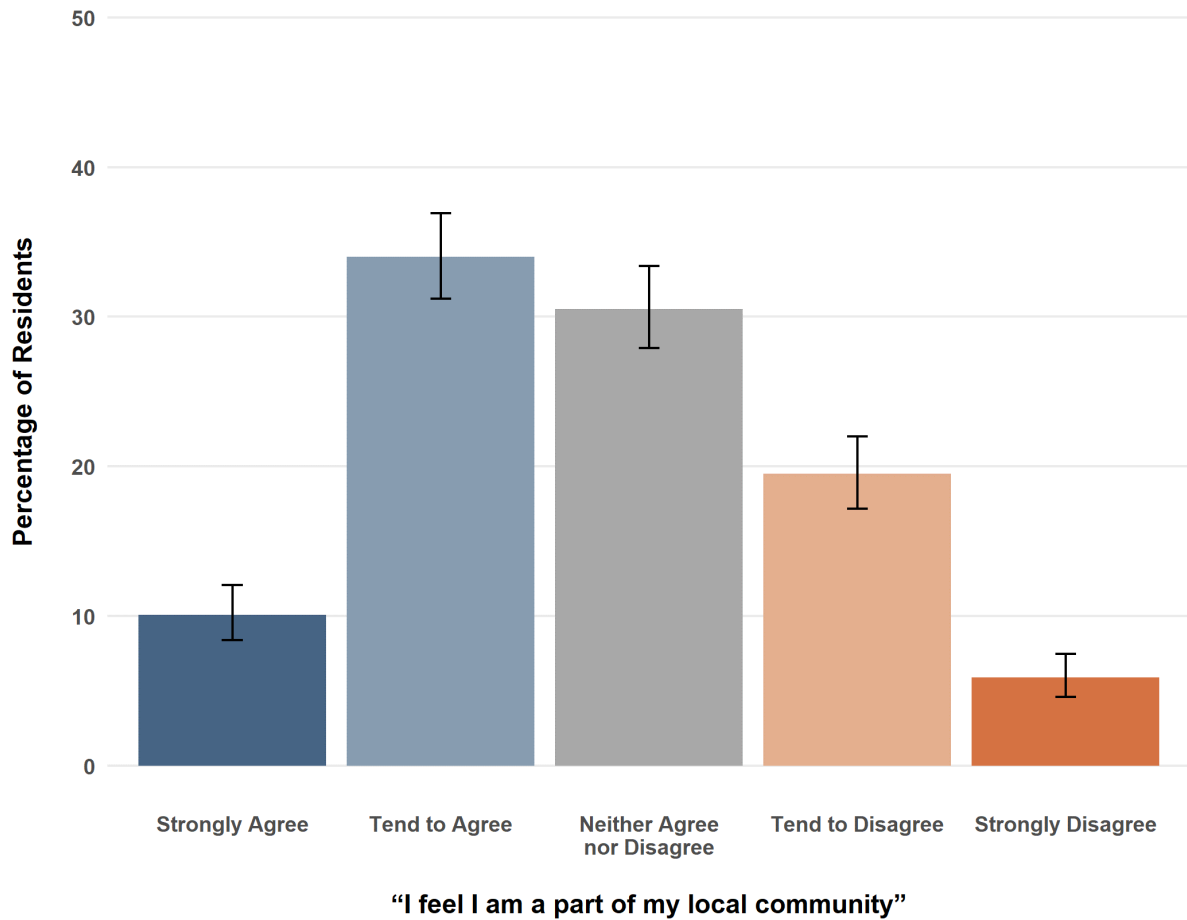
“Which 3 things are most important in making somewhere a good place to live? Which need improving in your local area?”



Residents overwhelmingly indicated that safe communities were one of the most important things in making somewhere a good place to live (74% rated in their top 3). Green spaces, efficient local services and cleanliness were also important to residents. Entertainment and shopping facilities were less frequently prioritised by residents when considering somewhere a good place to live.

Whilst green spaces were rated as being important to residents, only a quarter ranked them as something that needed significant improvement in their local area, a positive result. Areas which residents would particularly like to see improvement in included local services, cleanliness and public transport and shopping. Community safety was again ranked highly, with just under half of residents indicating that it was something most needing improvement.

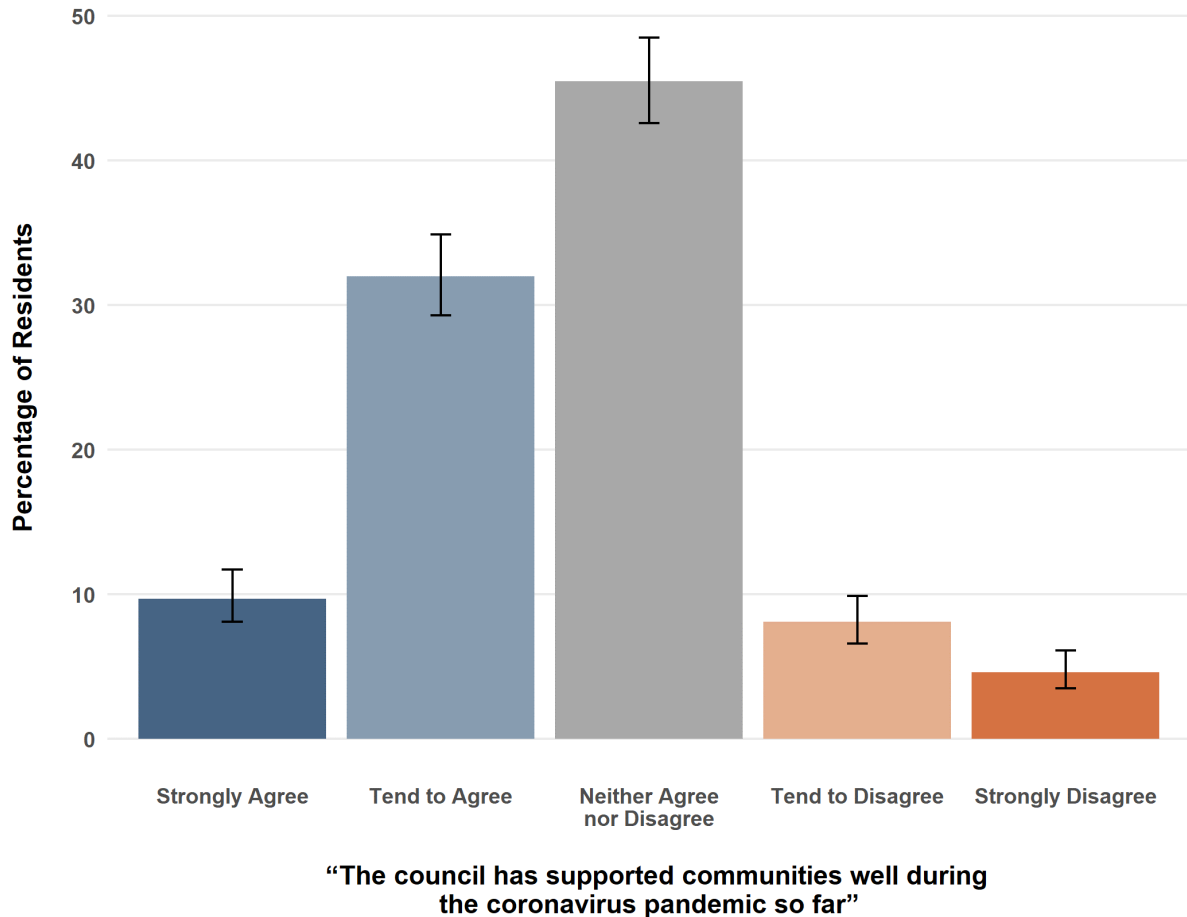
Feeling a Part of the Community



This question was not included in previous surveys, but is viewed a potentially important indicator of isolation, particularly in the wake of the pandemic. Just under half of residents felt they were a part of their local community (**44%**). Around a quarter felt they were not (**26%**) whilst **30%** of people gave a neutral answer. Notable results for this question include:

- Those living in rural areas were more likely to agree (**60%**) compared to this in urban areas (**36%**).
- Older residents were more likely to agree with the statement than younger individuals. Approximately **58%** of residents over 70 agreed that they felt a part of their local community, compared to just **35%** of those under 40.
- Those in the Rising Prosperity and Financially Stretched categories were least likely to agree with the statement, a result which is almost certainly linked to an association of these categories with younger residents.

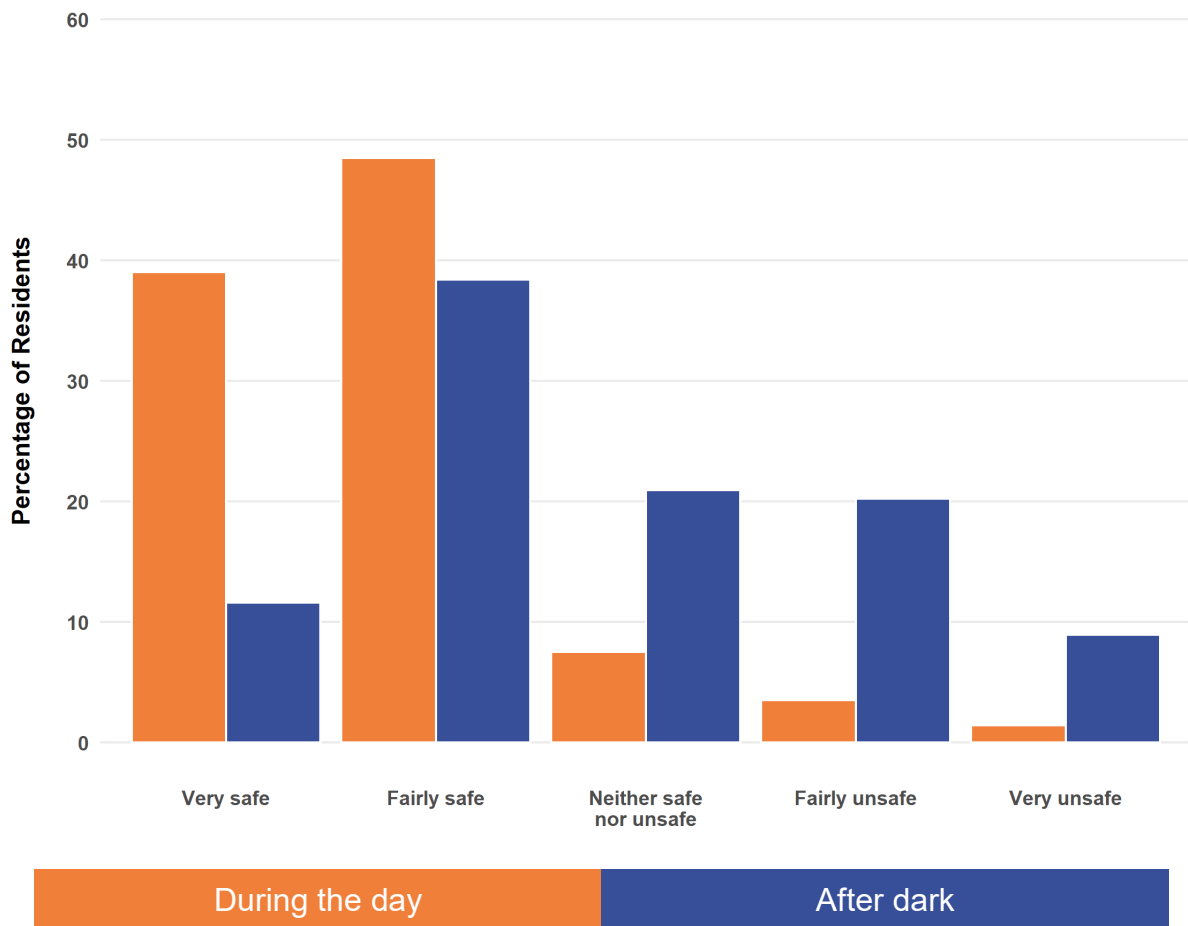
Coronavirus Pandemic Support



Residents generally agreed that the council had supported communities well during the pandemic (**42%**). A larger than expected number of residents gave a neutral answer to this question, with some indicating that they were unsure what specific services the council had provided. Notable results for this question include:

- Individuals identified as being particularly vulnerable to covid-19 were slightly more likely to agree with the statement (**46%**) than those who were less vulnerable (**36%**). Vulnerable individuals include those over 60 years of age, those with a disability and those in deprived communities.
- However, non-vulnerable individuals were not more likely to disagree, instead being more likely to give a neutral answer. This is understandable considering these individuals were unlikely to require additional support during the pandemic.

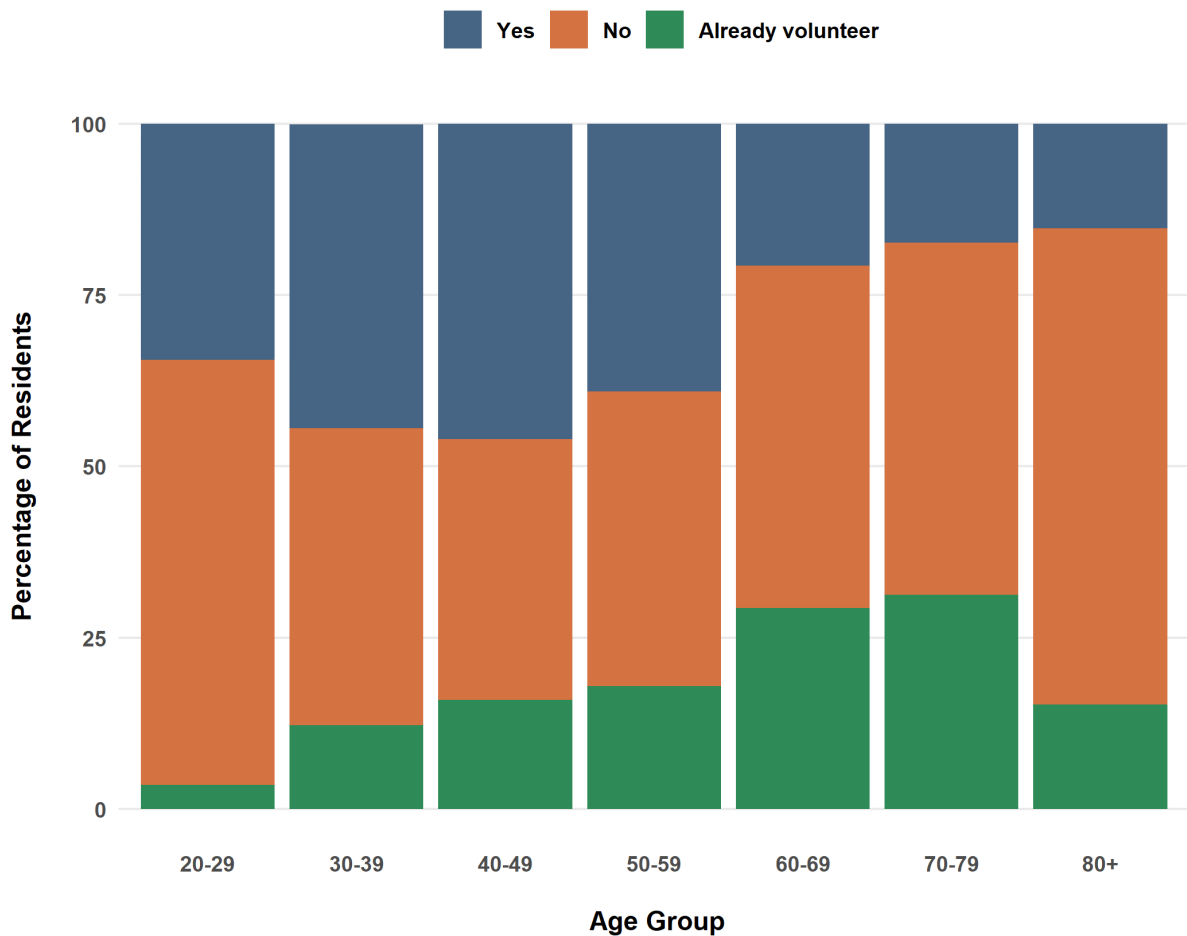
**“How safe do you feel in your local area during the day?
How safe do you feel after dark?”**



A large majority of residents indicated that they felt safe in their local area during the day (**88%**), whilst a small minority felt unsafe (**5%**). After dark, **50%** of residents felt safe, whilst approximately a third felt unsafe to a degree (**29%**). Notable results for this question include:

- Overall, the percentage of residents reporting that they **felt unsafe** has decreased slightly from **34%** in 2020 to **29%** in 2022.
- The percentage of residents living in deprived areas who reported feeling **safe after dark** has increased from **32%** in 2020 to **41%** in 2022, a significant improvement.
- Residents in rural, more affluent areas were more likely to report feeling safe at night than those in urban areas, as might be expected.

“Would you be interested in volunteering to help out in your local area?”

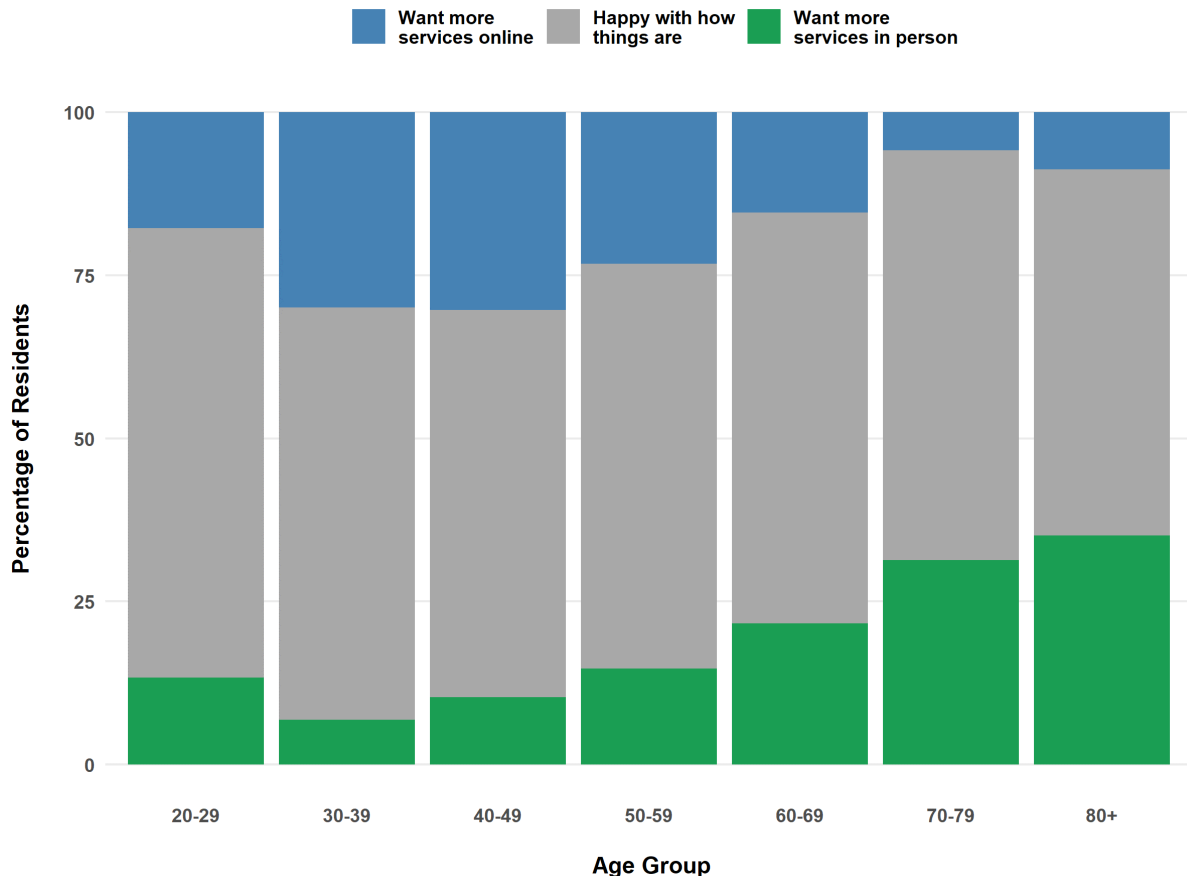


Many residents were interested in volunteering to help out in their local area, or already did so. Overall, **20%** of residents indicated that they were already volunteering in some capacity, whilst **33%** answered that they were not, but would be interested. **47%** answered that they would not be interested in volunteering. Notable results for this question included:

- The most likely residents to be already volunteering in some capacity were older residents living in more affluent postcode areas.
- A lower than average percentage of 30-60 year olds were already volunteering, but many indicated they would be interested. A common barrier to volunteering quoted by this age group was not being able to commit time due to work and childcare.

Digital and Online Services

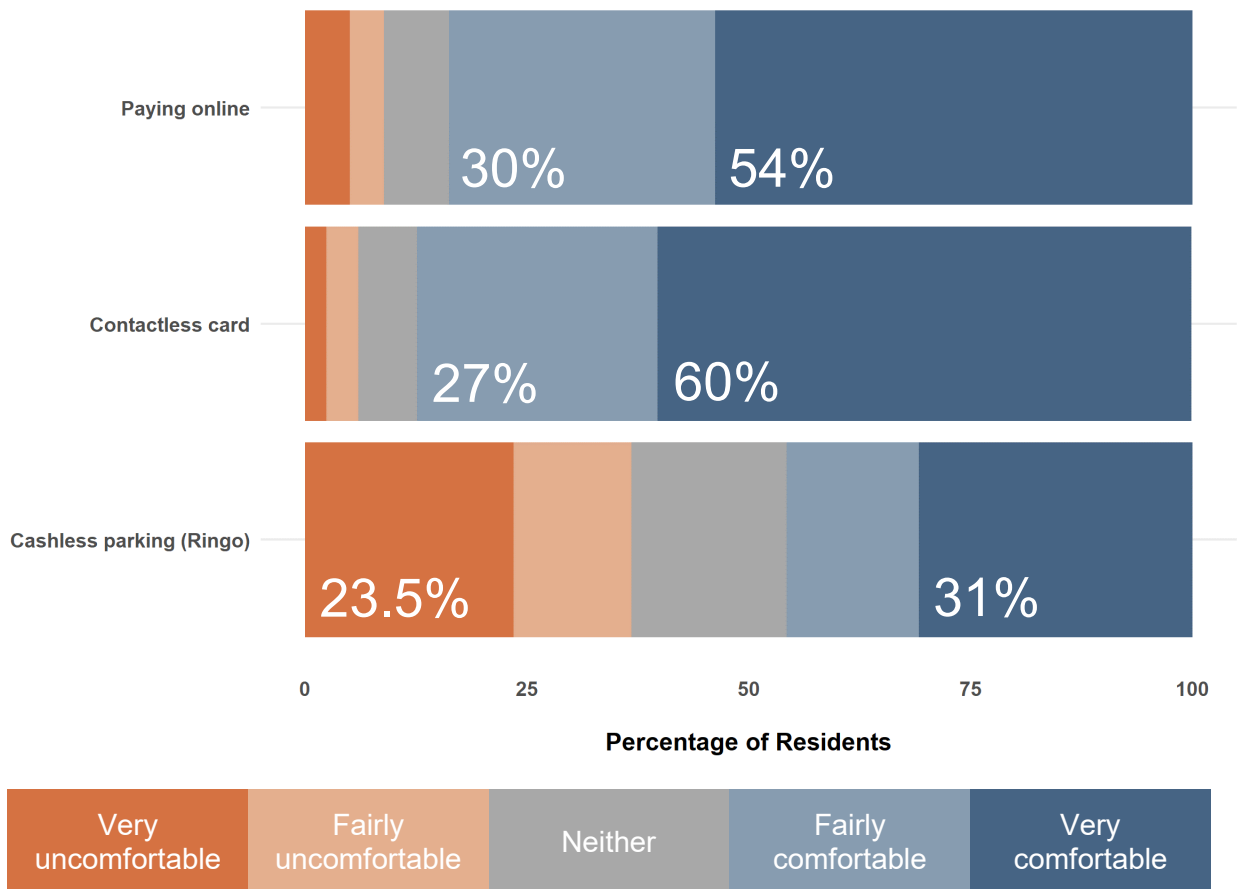
“How do you feel about the balance of services available online and in person?”



As the council aims to increase our provision of digital and online services, it was deemed important to ask residents how they felt about this. A majority of residents across age groups answered that they were happy with the current balance of online and in-person services (**62%**). Older residents and those who reported a disability were more likely to favour in-person services. Younger residents generally showed the opposite trend, favouring greater online provision. Comments and suggestions left by residents included:

- A chat bot to make website navigation easier. Some felt that the website layout and menus made it difficult to find what they were looking for.
- Local face to face contact was important for those with learning disabilities.
- The ability to chat with customer service operator through the website

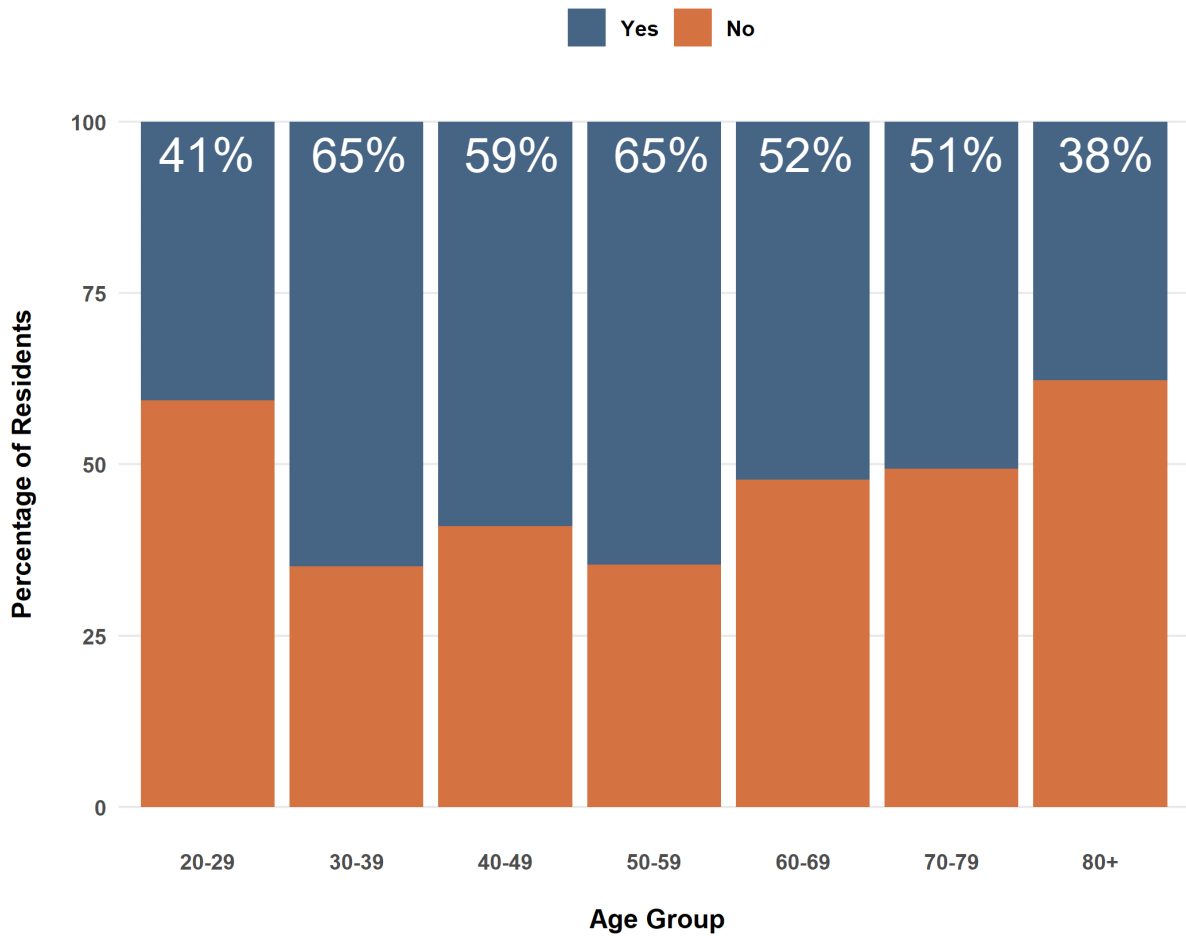
“How comfortable do you feel using the following cashless ways to pay?”



Cashless payment is increasingly common following the pandemic with many council services now using cashless options. The three options asked about by this question were contactless card, online payment and the use of the Ringo app for parking. Notable results for this question include:

- Residents overwhelmingly felt comfortable using online payment (**84%**) and contactless card payments (**87%**).
- Residents were more divided on the use of the Ringo app for parking. Answers to this question were heavily correlated with the age of respondents. Approximately **60%** of those under 40 felt comfortable using Ringo, whilst this dropped to just **20%** among those over 70.
- Residents who reported a disability were also significantly more likely to feel uncomfortable using the Ringo app (**52%**) than those who did not (**34%**).

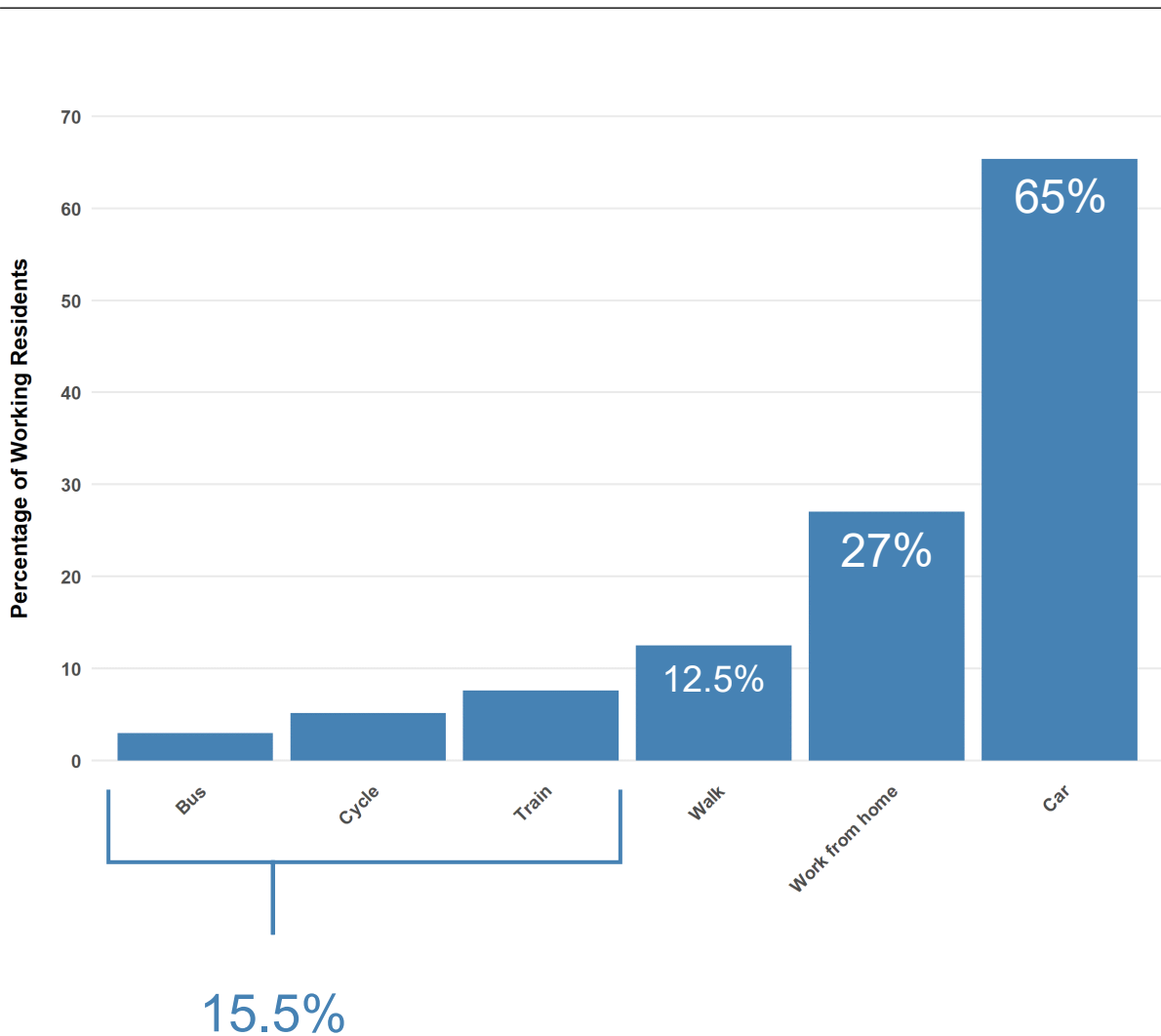
**“Would you be interested in viewing council meetings
(e.g., planning committee) online?”**



Overall, **53%** of residents indicated that they would be interested in viewing council meetings online.

- Those between the ages of 30 and 60 were most likely to indicate interest, with **63%** of this age bracket answering 'yes'.
- Residents in their 20s (**41%** yes) and those over 80 (**38%** yes) were least likely to express interest in viewing online council meetings.
- Significant differences were not observed between residents reporting a disability versus those not or between Acorn groups.

Commuting Habits



The most frequently used mode of transport for commuting by working residents was cars, with **65%** indicating that they used a car for at least part of their journey. **12.5%** indicated that they walked at least part of the way, whilst **15.5%** indicated that they used an alternative form of transport. Among these, rail travel was most frequently used, followed by cycling and then busses.

27% of residents indicated that they worked from home most of the time. This result was slightly above the national average of **24%** indicated by recent research ('Homeworking in the UK - 2019 to 2022', Office for National Statistics).



Agenda Item No: 14

Report To: Cabinet

Date of Meeting: 24th November 2022

Report Title: Proposed changes to the Council's Pre-Planning Application Advice Service and associated charging structure.

Report Author: Simon Cole
Job Title: Assistant Director – Planning and Development

Portfolio Holder: Cllr Bell
Portfolio Holder for: Planning & Development

Summary: The report discusses proposed changes to the Council's pre-planning application advice service which has been largely suspended since April 2022.

The report sets out a revised approach to dealing with pre-application advice for different types of proposals and an amended charging regime that seeks to place the service on a broad cost recovery basis whilst improving the quality and reliability of the advice being provided for the benefit of customers of the service.

Key Decision: NO

Significantly Affected Wards: None

The Cabinet is requested to:-

- (i) endorse the proposed customer service plan set out in Appendix 3 of the report and
- (ii) recommend that Full Council approves and adopts the new fees and charges set out in Appendix 3 of the report, and the discretion of the Assistant Director – Planning & Development to grant fee exemptions/reductions as listed,

with effect from:-

- 1st January 2023 for developments of 10 units or above, where not covered by separate PPA arrangements, and,
- 1st April 2023 for all other proposals, but this date may be brought forward (or delayed in exceptional circumstances) by the Assistant Director – Planning & Development in consultation with the Director of Place & Space and the Portfolio Holder for Planning & Development.

Policy Overview:	To comply with NPPF expectations and to bring ABC into line with customer expectations and the delivery of similar advice in neighbouring councils.
Financial Implications:	The proposals are expected to achieve additional revenue from the operation of the pre-application service on a cost recovery basis. Existing fees and charges were approved by Full Council as part of the Budget for 2022-23, therefore the new fees and charges set out in Appendix 3 need the approval of Full Council.
Legal Implications: <i>Text agreed by Principal Solicitor – Strategic Development on 16 November 2022</i>	<p>All pre-application advice (whether oral or written) is provided without prejudice to the eventual decision of the Local Planning Authority on a formally made planning application. This principle is set out in the proposed Customer Service Plan (Appendix 3) and should also be stated in all pre-application advice given by the Council and all PPAs entered into.</p> <p>The Council has the power, under s.93 Local Government Act 2003, to offer and charge for this discretionary service, subject to a duty to secure that, taking one financial year with another, the income from charges does not exceed the costs of provision of the service. The terms set out in the report are designed to achieve this, within the statutory flexibility to charge different persons different amounts for a service, and to not charge some persons at all. The proposals have no other direct legal implications for the Council.</p>
Equalities Impact Assessment:	There are no adverse impacts or implications for individuals with any protected characteristics. The report sets out exemptions to fees where a proposal relates to development for the specific purpose of meeting the needs of disabled persons.
Data Protection Impact Assessment:	Pre-application advice may be commercially sensitive and in those circumstances would potentially be exempt from FOI and EIA enquiries, subject to the public interest test. Otherwise, the Council's practice of publishing pre-application advice, once a subsequent planning application for the same or substantially the same proposal has been made on the same site, is proposed to continue, with the redaction of personal data in line with the Data Protection principles.
Risk Assessment (Risk Appetite Statement):	The risk associated with adopting the recommendations in the report are considered to be low overall. There are potential significant benefits to the service of focusing additional resource on major projects at pre-application stage and providing a clearer customer service which should reduce potential for complaints. Ensuring adequate resource is available within the service is covered in the report and

**Other Material
Implications:**

implementation of the revised service will be phased.

The proposals set out in this report are intended to improve the professional reputation of the service, widen the scope of the service that can be provided and ensure that this can be maintained in a financially sustainable way that does not adversely affect statutory casework. This should result in better and more consistent decision-making and improved quality of developments on the ground.

**Exempt from
Publication:**

NO

**Background
Papers:**

None

Contact:

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Report Title: Proposed changes to the Council's Pre-Planning Application Advice Service and associated charging structure

Introduction

1. It had become clear that the current pre-application advice service was not meeting the expectations of our paying customers or helping to smooth the way of new development proposals through the planning system. It was generating complaints and further enquiries and the service needed to be improved.
2. Pre application advice is a non-statutory part of the planning service. However, the ability to obtain that advice is very much appreciated by some applicants. The planning service has been through a period of high staff turnover in the last 18 months. In these circumstances, prioritisation of resources needed to be devoted elsewhere to maintain performance levels against statutory performance indicators with pre-application work suffering as a consequence.
3. In April 2022, the majority of the pre-application service was suspended to enable a thorough review of service delivery and to provide the time and space to establish proposals for a deliverable and sustainable service to be re-launched later in the year.
4. This report sets out the conclusions of that review and proposes a revised pre-application service, with an updated charging schedule and customer charter by which the service would be governed. The Cabinet is asked to endorse the proposals set out in this report.

Background

5. The Local Government Act 2003 (sections 93 and 94), permitted Best Value Local Authorities to introduce charging regimes for providing discretionary services where they are limited to a cost recovery regime. The income from such charges was not to exceed the cost of service provision and does not include services which the Authority is mandated to provide.
6. Pre-planning application advice is such a discretionary service that had, prior to 2003, been provided by most Local Authorities without customers incurring a charge. However, as it is not a requirement of statute, there are choices that can be made around how, and at what cost, the service should be provided.
7. This has been followed through in planning legislation and, more recently, National Guidance which requires Local Authorities to work collaboratively with developers to deliver quality schemes in partnership, rather than rely on the former regime of refusing applications for planning permission on details that could be improved with ease. It has also been long accepted as good

practice in the sector and has formed part of the Council's planning service for many years.

8. Paragraph 38 of the NPPF 2021 states that "*Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve application for sustainable development where possible.*"
9. Para. 39 goes onto stress; "*Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community*".
10. The Guidance recognises that Local Planning Authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take up of any pre-application services they offer.
11. It has since become the expected practice of Local Planning Authorities to offer good quality and timely pre-application advice for a charge. In many cases this service has become the victim of its own success and compromised the timely delivery of statutory planning functions such as the processing of planning and similar applications. It is for this reason that most Councils adopted this flexibility to charge for discretionary services, which help to fund the additional resources necessary to provide that service.
12. In reviewing the Council's pre-application service, it has become clear that it had become outdated and not based on a sound financial platform. In addition, pre application matters need to be dealt with consistently, ensuring continuity of delivery and in a time of high staff turnover, that has proven to be very difficult. As a consequence, the time that should be saved by all parties by using the pre-application service has not been realised. Therefore, the current pre-application service has been reconsidered in its entirety.
13. This review has sought to consider all aspects of pre-application planning advice ranging from householder extensions to large residential or commercial schemes. It also looks at when Planning Performance Agreements (PPAs) should be offered to potential applicants as these can deal with pre-application and post-application handling of a case.
14. In addition, this report considers the potential benefits and cost/resource implications of the following as part of a re-launched pre-application advice service :-
 - Pre-application follow-up advice
 - Amended scheme service (following an initial refusal);
 - Listed Building/heritage advice; and,
 - Arboricultural advice (in respect of TPO matters).

The current pre-application service offer

15. The scope of the Council's current pre-application service is set out in Appendix 1 to this report. It shows four levels of advice based on different types and scales of proposals. A significant proportion have been free to the customer whilst the highest level applies to schemes of 10 or more dwellings or 1000 sq.m. or more of commercial floorspace. All except some Level 3 pre-application services (typically those given by the Strategic Development Team) - has been suspended since April 2022.
16. A Review team, was charged with reviewing all aspects of the pre-application service. This Review had the objectives of improving the quality of customer support that the planning team could provide and updating and modernising the service in order to place it on a deliverable and sustainable footing moving forward. This means that any fresh service needs to function well within the available resource context and the need to ensure performance targets are met in respect of the statutory planning functions that Council must deliver and on which it is measured by government.
17. A number of overarching principles have driven the review and the proposals arising from it that are outlined below in this report.
18. At the forefront of these principles is the need to deliver a good quality service to the customer. This means the provision of clear and consistent planning advice (whether positive or negative) that will set out the key principles (and adopted policies) that a development will need to meet to be recommended favourably by officers, should an application be submitted. Customers should expect to be guided as to whether more subjective matters (such as design or external appearance) are potentially acceptable based on what they have submitted and, if applicable, where improvements may be required. Where input from other parties such as KCC Highways, Natural England, etc would be needed to form a rounded view at formal planning application stage, this should be highlighted.
19. Whilst all pre-application advice must be provided without prejudice to the eventual decision of the Local Planning Authority, the clear aim must be to be consistent in principle between pre-application advice and any eventual decision on a subsequent application. Internal procedures are being put in place to ensure cases can be signed off by senior officers across the service to ensure consistency of approach and provide a 'corporate' view from the service at an early stage. This will involve 'case reviews' of pre-application cases by service managers and additional training for officers to embed consistency in decision-making where similar issues arise on different cases.
20. Alongside this, the pre-application service should be designed to enable potential benefits for officers when it comes to the processing of a subsequent planning application. If pre-application advice has been thorough and considered, this should lead to a higher quality of application at submission stage and reduce the need for subsequent negotiations or amendments and improve processing times.

21. In order to achieve the qualitative improvements outlined above, it is necessary to review the charging structure for pre-application advice.
22. The review has examined pre-application fees charged by a range of other local authorities across London and the South East, as this is the most relevant geographical comparison to make.
23. It is noted that all the councils benchmarked had different service offers and some had offers and calculations more complex than the national planning application categories would suggest. Broadly common factors were the division of major schemes into larger majors and smaller majors categories and the separation of commercial and residential schemes.
24. There are a variety of charging options, some with site visits and some without. Consequently, making direct comparisons across different authorities is difficult and so an approximation of average costs across different scheme types and sizes has been undertaken.
25. Legislation dictates that the fees charged for discretionary services should be cost recovery only. The research for this project showed that different Councils contain different elements within this making direct comparisons difficult but there is a need to balance this with fees that are reasonable and affordable and not a disincentive to using the service.
26. What is abundantly clear is that Ashford's pre-application charges were out of line and out of date compared to those charged by other authorities.
27. The most recent example of an updated pre-application service is in Dover District and the proposals contained in Appendix 3 for Ashford lean heavily on the structure and level of charging regime found there. This seems to broadly reflect average pre-application fees found within the County and is considered to be a fair benchmark for this authority.
28. The following table shows the number of pre-application cases and related income figures for the Council from the last three calendar years based on the existing levels of pre-application advice and charging schedule set out in Appendix 1.

	Development Type	2019		2020		2021	
		No.	Income	No.	Income	No.	Income
0	Informals/Householder	142	£0	139	£0	156	£0
1	Minors-Level 1	26	£2,098	35	£2,636	25	£1,547
2	Minors-Level 2	122	£20,903	125	£23,291	143	£25,371
3	Majors-Level 3	47	£8,384	61	£25,943	57	£22,759

	Total	337	£31,385	360	£51,870	381	£49,677
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Since April 2021, the fees for Level 1 cases have been charged at £98 (inc. VAT), for Level 2 cases £187 (inc. VAT) and Level 3 cases, which includes meeting time at an hourly rate of £503 per hour or part thereof. Level 0 cases attracted no fees.

29. This demonstrates the scale of the officer resource needed to meet demand for pre-application advice but the relatively low levels of revenue generated for that service. Taken across the three years, over 1,000 pre-application cases were handled in the service generating only £133,000 at an average of approximately £123 per case. This falls far short of a cost recovery position.
30. To illustrate this in practice, a short time recording exercise was carried out in the Strategic Planning Team by the Team Leader, who recorded her time and the time spent by other officers in the Placemaking and Landscape teams, relating to a review of a reserved matters proposal, which was a follow up pre-application advice request. It was recorded that 24 hours were taken up with the work at a recorded hourly rate assessment of £1684.25 in total (for several staff members time) for which the applicant was only charged £503.
31. Under the re-launched proposed scheme, the estimated charge would have been at approximately the recorded hourly rate noted above., This suggests that the charging schedule would reflect a realistic estimate of the time spent on any similar proposal, without the need to commence a complicated and time-consuming time recording exercise for every proposal.

Proposals

32. Given the principles of the revised pre-application service and the benchmarking research undertaken by the review team, a series of proposals for a revised structure to the service are set out below.

Householder schemes

33. As the table above shows, the majority of pre-application cases the service has dealt with have been Level 0 or simple householder developments. These have not been charged to the customer, although many will have been submitted by professional agents on their client's behalf. This highlights a particular anomaly in that agents will be charging their clients for their professional service in engaging with the Council but the Council is not charging the agent for the service.
34. The resource that needs to be devoted to these cases, which may not be individually that significant, certainly becomes so when it is aggregated. Furthermore, the added 'value' that can be typically added to these types of schemes at pre-application stage is naturally more limited.
35. We will continue to provide and expand standard guidance for householder applications on-line. This can answer basic queries and advise on the usual range of material considerations for householder type proposals (e.g. overlooking, design, materials, parking). Most householder applications are

submitted via agents who should reasonably be expected to professionally advise their clients in addition to the on line advice published.

36. However, in the event that householder applications need further support through pre-application advice, it is now proposed to introduce a modest fee for householder type pre-application requests. This will bring the Council into line with other Authorities who make similar charges. It is anticipated that this element of pre-application requests may reduce in number thus limiting the overall amount of resources needing to be devoted to them.
37. Householder average pre-application fees in the 7 Kent councils benchmarked, amount to £210 per application. Ashford was the only one in Kent that was free. It is proposed to set the fee for these types of cases some 30% below this figure for simple written pre-application advice. Where a meeting is requested and deemed necessary, this fee would rise to account for the additional officer time and costs associated with this.

Other developments

38. Benchmarking suggests that Authorities would normally adopt a sliding scale of fees and charges relating to the scale or complexity of a pre-application scheme. Whilst Ashford's current approach has adopted something of this, the range of the scale of fees has been quite narrow. This has meant that larger, more complex schemes requiring more significant and more senior level input have not been adequately resourced from a pre-application revenue stream. These are often the proposals where pre-application input can significantly improve or add 'value' to a scheme, and so it is reasonable to charge a more in a scale of fees.
39. Therefore, it is proposed to broaden the fee structure between minor and major developments to better reflect the level of officer input required to deliver an appropriate level of advice, whilst also increasing fee charges to bring them into line with other Authorities' charges for similar scale projects.
40. Looking at the fees charged by other Districts, a variety of scales ranging from smaller minor residential and commercial developments (1-4 dwellings / 250 sq.m commercial floorspace) through categories up to very large proposals of 250 dwellings or more have been introduced, to reflect the different amount of officer resource needed to respond to such enquiries. This approach seems to be logical and proportionate from a cost recovery basis.

Planning Performance Agreements (PPAs)

41. Traditionally, the service has entered into very few PPAs with applicants, as there has been difficulty in securing a standard process and template for such Agreements. If working well, PPAs can provide both confidence for the applicant that the LPA has the ability to resource the timely determination of their application and for the LPA, the provision of additional financial resources to either backfill existing staff or procure additional support to work on the scheme in question. There are no guarantees over the eventual decision on any application and adherence to timescales contained within an Agreement needs to work both ways.

42. PPAs would normally cover the determination stage of a planning application but can, and arguably should, also include the pre-application stage too. It is clear that other Districts use PPAs on a more standard basis than Ashford and so there is an opportunity to utilise these on a modest scale for the larger and more complex proposals that come before the Council.
43. It is proposed that for schemes over a certain scale, the Council should invite the proposed developer/applicant to enter into a negotiated PPA that covers both pre-application stage and, if pursued, the determination of a formal application. Officers would prepare a standard template for such Agreements to be populated on a bespoke basis. Entering into a PPA would remain discretionary on both sides and there may be scope to add third parties, such as KCC.
44. To begin with, it is proposed that the invitation to enter into a PPA is triggered at schemes involving at least 250 dwellings which would cover pre-application advice. Failure to agree a PPA for a pre-application stage would mean that the default fees for the largest schemes in the schedule below would apply.

Other categories / exceptions

Follow-up advice

45. Pre-application advice is not intended to be a means to undertake lengthy and protracted negotiations on a proposal. It should be viewed more as an initial guide to the applicant to identify potential barriers to achieving a positive outcome when an application is submitted. However, it is reasonable to allow for the commissioning of a follow-up to the initial advice should the applicant wish to iron out any factors or gain a greater clarity as to what is expected by the LPA. For this, the proposals for the service enable one further round of advice to be charged at 50% of the initial advice.

Post-decision advice

46. In contrast to follow-up advice referred to above, post-decision advice would enable applicants to seek advice on schemes that have recently been refused before they are re-submitted. This would be intended to assist applicants in advising how their proposals would need to be revised in order to meet the concerns that had been cited in the reasons for refusal.
47. As significant officer input will have already been devoted to assessing the formal planning application, it is reasonable to not seek to charge this type of advice at the full pre-application rate and so a reduction of 50% on the applicable rate is proposed.

Arboricultural advice

48. The Council is fortunate in having a skilled and experienced Tree Officer within the Planning Service. Applicants seeking advice on works to protected trees in particular could benefit from pre-application advice to support subsequent applications and it is considered reasonable for a modest fee to be charged for this service and should be achievable within the resource available.

Listed Building/Heritage advice

49. The Borough has many heritage assets including over 3000 Listed Buildings and it would be extremely challenging to re-introduce a pre-application service for proposed works to Listed Buildings that could be delivered by the resources available to the service, alongside the input necessary into meeting statutory requirements, such as determining Listed Building Consent applications.
50. For this reason, it is not proposed at this stage that the provision of informal pre-application advice on alterations to Listed Buildings will form part of the revised service, although this decision will be subject to review when the proposals outlined in Appendix are reviewed in late 2023. However, where a proposal seeks planning advice which may affect a Listed Building or its setting for example, then the input of Conservation Officers may be sought where necessary and this is accounted for in the scope and costs proposed.

Exemptions / reductions

51. The proposals set out below also deal with occasions where fees may either be reduced or set aside for pre-application advice at the discretion of the Assistant Director – Planning & Development.
 - i) Where Parish/Town councils or Community Councils seek pre-application advice, These occasions are rare but support the Borough Council's wish to work constructively with these organisations.
 - ii) Proposals that are for developments that are specifically designed for the benefit of disabled persons. This mirrors the formal planning application fee regime.

For registered charities it is considered reasonable to provide a discounted service of half the normal pre-application fee. This would apply where the pre-application advice relates to a commercial (i.e profit-making) scheme as opposed to any form of community development where advice would remain free of charge.

52. Until the scheme has been in operation for a period, it is speculative to indicate the levels of revenue generation that might be achieved through these revised proposals. This will be affected by the numbers of cases submitted and success of officers in meeting deadlines for responding with cogent, constructive advice which will build confidence in applicants / agents to use the service.
53. The proposed charging schedule for pre-application advice is set out in the table that forms part of the draft Customer Charter in Appendix 3.

Delivering customer expectations

54. There is an expectation from the public and from local developers that they will get reliable, professional advice for a reasonable fee. This is an opportunity to put in place quality control measures to address some of the recognised problems with the operation of the previous pre-application service. There has to be a commitment and ability to delivering an improved version of the pre-application service, if fees for that service are to increase as

proposed. As the service is optional for any applicant, it has to be an attractive and meaningful offer to encourage take up.

55. The key components of the service must be clarity and consistency of professional advice, delivered within a reasonable and realistic time scale. The previous standard for pre-application responses was 21 days from receipt of the proposal, irrespective of the scale or complexity of the proposal but given this is a non-statutory part of an officer's caseload (and there is a need to focus on and prioritise statutory work that is subject to national performance indicators), this expectation led to a number of cases where officers simply could not realistically meet that standard.
56. If the Service is to provide a higher quality pre-application service charged at a higher rate, then it is essential that service standards are realistic about delivery timescales. Therefore, it is proposed that there is a variety of standard response times that match the scale for fees and charges related to the nature of the proposed development and the range of issues involved, including whether meetings with officers form part of the offer on any particular case. This takes account of the anticipated workload pressures that officers must manage in the processing of their statutory caseloads.
57. This forms part of a draft Customer charter for the revised pre-application service that makes clear what the customer can expect as part of the service and what is excluded. A draft of this Charter is attached as Appendix 3 to this report and Cabinet is asked to approve the principles contained within this.

Implementation

58. It is critical that the re-launch of the updated pre-application service is able to be adequately resourced in order for it to be successful. This will require officer caseloads to be at a scale where additional non-statutory work can be accommodated within the time periods set out in the Customer Charter.
59. Due to current caseloads being inflated as a result of the difficulties encountered in the introduction of the new planning software system, it would be prudent to pause the full introduction of the new service until that bulge in statutory planning applications has passed through the system. It is anticipated that this point would be reached early in 2023 but this will need to be reviewed nearer the time.
60. However, it is proposed to introduce the new pre-application regime for larger cases sooner as there is most added 'value' for the service and the applicant in these areas and reflects that part of the pre-application service that was not suspended earlier this year. Consequently, pre-application proposals for developments of 10 units or above, where not covered by separate PPA arrangements, shall be implemented from the 1st January 2023.
61. With regards to all other pre-application proposals, it is proposed that this element of the service be re-launched no later than 1st April 2023 but this deadline may be brought forward (or delayed in exceptional circumstances) if agreed by the Assistant Director – Planning & Development in consultation with the Director of Place & Space and the Portfolio Holder for Planning & Development.

62. In order to ensure that the new service is operating as planned, it will be necessary to formally review the service arrangements and the charging regime before the end of 2023. As the service beds in alongside the statutory part of the service, it would be prudent to cap the number of pre-application cases that can be handled at any one point in time. This is to ensure that officers can provide adequate time and resource to both their statutory caseloads and pre-application cases to meet the service level expectations set out in the Customer Charter in Appendix 3 to this report. Initially this cap will be set at 50 pre-application cases being handled at any one point within the Service but will be reviewed on a quarterly basis by the Assistant Director – Planning & Development.

Equalities Impact Assessment (to be completed)

63. There are no specific potentially negative impacts arising from the proposals in this report. It is proposed that pre-application fee exemptions are made for specific proposals relating to improving accessibility for disabled persons that are funded by the DFG. This approach mirrors that taken in the statutory planning application fee regime.

Consultation Planned or Undertaken

64. Internal consultation was undertaken within the Planning service and the views received during August/September 2022 have been considered as part of the proposal.

Other Options Considered

65. Non-delivery. This is not acceptable in terms of customer expectation and to build a better planning service.
66. As the report explains, benchmarking with services by other Districts has been undertaken with consideration given to their specific charging regimes.

Reasons for Supporting Option Recommended

67. The proposal has been benchmarked against the service offers of other Kent authorities plus comparisons within the wider south east region and is considered to be achievable in resource terms by the Service whilst setting a fee charging schedule that is in line with similar authorities and significantly closer to the cost recovery model expected whilst not being a disincentive to applicants to using the service.

Next Steps in Process

68. Subject to Cabinet agreeing the recommendation and Full Council agreeing the revised charges, the next steps will be:-
- A) Finalising the Customer Charter and publicising the revised pre-application service offer alongside,
 - B) Introducing quality control measures and processes for signing off the advice given consistently through the planning teams,
 - C) Offering training to staff to ensure consistency in delivery and advice given,
 - D) Ensure appropriate delegated authority to sign off advice,
 - E) Ensure confidentiality and data protection measures are in place,
 - F) Ensure that monitoring takes place regularly with annual benchmarking practices and continual review, including customer feedback.

Conclusion

69. The pre-application service has the potential to provide significant income to offset costs, and service quality improvements for the Council's planning service. Recent evidence has shown that the current service does not routinely achieve this. Officers have struggled to reconcile their statutory casework with the needs of pre-application cases.
70. Consequently, it has been clear that the 'status quo' was not going to be acceptable or sustainable and a re-set of the service along clear principles was needed.
71. The proposals set out in this report have been benchmarked against the equivalent services provided by other local authorities, both in Kent and beyond. They represent an average cost and service expectation which should prove to be both deliverable by the service and affordable to potential applicants and investors in Ashford Borough.
72. Cabinet are requested to recommend to Full Council the phased introduction of the new service at the charges set out in Appendix 3 to the report with a review at the end of 2023 to assess the success of the changes and determine whether any further adjustments are necessary.

Portfolio Holder's Views

73. The benefits of a good quality pre-application service is well recognised and should form an important part of the Council's offer to applicants and developers in the borough.
74. This service needs to be fit for purpose and delivered in a way that meets customer expectations. The review of this service has highlighted a number of weaknesses in the current approach that have been addressed in the proposals set out in this report. I am content that the proposals meet the challenge of balancing the need to make the service accessible whilst placing it on a more robust financial footing going forwards.
75. I believe that the phased introduction of these proposals will enable the full re-introduction of a successful pre-application service to come forward in 2023 which will deliver better schemes across the borough and a more efficient and constructive approach for potential investors.

Contact and Email

Simon Cole – Assistant Director Planning & Development

(Simon.cole@ashford.gov.uk) – 01233 330642

Current Pre-application service structure

1. Free services (Level 0)

Written advice prior to an application for:-

- Expansion or setting up of new business in the borough;
- Alterations or extensions to single dwellings and other householder applications (not including new or replacement dwellings);
- Works to trees;
- Advice on how to submit an application to establish whether planning permission is or was required (known as a Certificate of Lawful Use or Development), and
- Advice prior to making an application resulting from an enforcement investigation;

2. Level 1: Change of Use, Advertisement and other related applications (**charged service**)

- Proposals that need permission other than free services listed above and those covered in Levels 2 and 3 below

3. Level 2: Minor Proposals (**charged service**)

- Written advice on all minor developments which are those that do not meet the criteria for Level 3 and are not a Change of Use or householder development.

Listed Building Advice – not provided.

Level 3 Major Proposals (**charged service**)

- A meeting followed by written advice on major developments.

These are:

- Applications for 10 residential units or more
- Residential sites of 0.5 ha or more
- The creation or change of use of 1000m² or more of non-residential floor space
- All sites of more than one hectare in size

Payment is required in advance of meetings. Should the meeting overrun you will be invoiced for the additional time prior to your agreement.

Any charges are in addition to fees for making planning and advert applications. Fees for planning applications are available on our [Planning Fees](#) webpage.

For large scale or applications of significance in sensitive areas we will ask if you are happy to involve the relevant Parish Council in discussions in accordance with our [pre-application parish protocol](#).

You may also need to look at our [S106 Agreements - What they can cover](#) page and our [Unilateral Undertakings](#) pages.

Format of Advice

Any advice given by Council Officers for pre-application enquiries does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties.

The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time. You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application (s).

Any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre application advice notes will decline over time.

Disclosing information on pre-application discussions

Although the council does not automatically publicise the details of pre-application discussions with potential developers whilst processing a request, there are circumstances where we will publish and/or disclose the advice provided by the Local Planning Authority.

Under the Environmental Information Regulations 2004, we may receive from time to time a request from a member of the public to provide information regarding enquiries for pre-application advice and of any advice given. Subject to certain exemptions, we are obliged to provide this information, although personal contact details are protected under the General Data Protection Regulations. It is important that our full guidance found on the following page [Pre-Application Advice and EIR 2004](#) is understood before an application is made.

Similarly, in the interests of transparency, a decision has been taken that we will now also publish our pre-application advice on any subsequent planning application that is submitted for the same site and same/similar proposal. Any personal data will of course be removed to ensure Data Protection is observed.

What you need to do

For all level enquiries, you will need to [email us](#) or write including:

- An explanation/description of what you want to do
- Full site address and location plan (preferably at 1:1250 scale) with the site outlined in red
- Any relevant information about previous uses

- Sketch drawings providing details of the proposal with floor plans and how the building will look from the outside (elevations) as well as how it will relate to nearby buildings
- Photographs of the site can also be helpful
- Include correct fee for [Level 1](#), [Level 2](#) and [Level 3](#) advice. Payment is now required in advance of meetings. Should the meeting overrun you will be invoiced for the additional time prior to your agreement.

Planning policy advice

- The Planning Policy team can provide advice on pre-allocation Local Plan site discussions and offer planning policy guidance. More information can be found on our [Planning Policy Advice](#) page.

FAQs

If you have a planning query, we would encourage you to [check our top 10 Planning FAQs \[pdf\] 1043KB](#).

Common queries:

- Planning applications
 - [Submit An Application](#)
 - [Make your application valid](#)
 - [Planning fees](#)
- Check the planning history of a property:
 - [View records online](#)
 - [View our interactive map](#) (please note that some of our maps won't work in Google Chrome)
- Find copy S106 agreements
 - [View records online](#) (you will need to search documents for the relevant planning application).
- [Listed buildings](#)
 - Find out if a property is listed: [interactive map](#)
- [Conservation areas](#)
 - Find out if you are in a conservation area: [interactive map](#)
 - [Trees in conservation areas](#)
- [Tree preservation orders](#)
 - Find out if a [tree is covered by a TPO](#)
 - Find copy [TPO documentation](#) (from 2009 onwards)
- [Trees: bat protection and licences](#)

Other sources of reference:

- The [Planning Portal](#) is the online national resource for planning and building control. Advice on many commons projects is available on their website together with:

Ultimately, if you want to be certain that the existing use of a building is lawful for planning purposes or that your proposal does not require planning permission, you can apply for a [Lawful Development Certificate](#).

Appendix 2

Dover District Council's pre-application charges.

Charge	Written £	Written + Meeting £
Householder	140	200
1-4 dwellings	400	650
1-4 dwellings follow up advice*	200	350
5-9 dwellings	700	1000
5-9 dwellings follow up advice*	350	600
10-49 dwellings	-	3000
10-49 dwellings follow up advice*	500	1200
50+ dwellings	-	5000
50+ dwellings follow up advice*	1000	2500
Commercial up to 250m ²	175	320
Commercial up to 500m ²	300	500
Follow up advice*	100	200
Commercial up to 1000m ²	-	1200
Follow up advice*	200	400
Commercial over 1000m ²	-	1200+500 per 500m ²
Follow up advice*	400	600
Listed Building Advice	220	350
Charities and Parish Councils	HALF applicable fee (Non-residential floorspace based on the Commercial fee rate)	
Highways	Kent Highways DevelopmentPlanningEast@kent.gov.uk	
Surface Water/Suds	KCC Coastal/River suds@kent.gov.uk	
Flooding/Water quality	Environment Agency Pre-application Enquiry Form	

Appendix 3

Draft Customer Service Charter

Ashford B.C Planning Pre-application Service customer charter

Overview.

The pre-application advice service offers professional guidance from qualified planning officers on the path through the planning process to attain a meaningful outcome for your development proposals.

Our advice gives you the opportunity to understand how national and local policies might apply to your development and where additional information might be required as part of your subsequent planning application, such as that relating to transport, flooding, noise, ecology, trees and landscape.

What we will provide:-

- Written professional planning advice and guidance on your proposals (see exclusions below), for an up-front fee to cover administration costs and officer time in assessing and drafting the response;
- Consistency in dealing with pre-application advice and with subsequent planning application submissions;
- The highlighting of the most relevant NPPF guidance, Local Plan/Neighbourhood Plan Policies and any other relevant SPD or other guidance to the proposal and any previous planning history that is applicable to the proposal;
- Professional advice on the planning merits of your proposal;
- Advice on documents and reports that may be required to support any subsequent planning application for the proposal;
- If necessary, a single stage of follow-up advice on your proposal for an additional 50% fee, excluding points of clarification which are included. *For strategic applications of 250+ dwellings, see the fee schedule*
- Advice within an agreed timescale of the validation of a pre-application proposal submission or of a meeting if such is necessary;

All pre-application advice is provided without prejudice to the final decision of the Council on any planning application subsequently submitted.

Confidentiality

The Council does not publish pre-application advice submissions but may be required to disclose these under a Freedom of Information request or an Environmental Information Regulations request. This does not include personal details covered by Data Protection, or commercially sensitive information (subject to the public interest test).

Should a planning application subsequently be lodged with the Council for the same (or very similar) proposal at the same site, then the Council will publish the relevant pre-application advice provided it was provided within three years previous to the date of the planning application being validated.

Following fee receipt

- Validation of pre-application request in 5 working days (see 'What you need to Provide')

- If a meeting is requested and has been agreed by the officer allocated the case, this will be a virtual meeting unless a site visit is necessary to the provision of the officer's written response.

What is excluded:-

- Advice on whether planning permission is required. For this advice refer to the Planning Portal and its interactive house or submit a Lawful Development Certificate application for a formal decision.
- Feedback from statutory consultees, interested parties or neighbours. Some statutory consultees will provide their own pre-application advice within their own separate charging regimes. This includes bodies such as KCC Highways, Natural England and the Environment Agency.
- The detail or costs that may be included within any Section 106 Agreement relating to the proposal.
- Advice on whether the proposal meets Building Regulations.
- Plan drawing services.

Submitting a pre-application proposal

In order for the Council to register your pre-application proposal, we will need the following:-

- The correct fee;
- Written details of the address and the proposals;
- Description of the nature and scale of the development and use of any buildings concerned;
- Site location plan with the site of the proposal clearly marked (to a recognised scale, north point, etc);
- Block plan;
- Existing and proposed sketch drawings to a recognised scale;
- Photos – labelled where appropriate (where no site visit is required);
- Depending on the scale and nature of the proposal, other relevant supporting information such as a design and access statement or access and parking arrangements;
- Contact details including phone number and email address.

Proposals should be submitted via e-mail to the Planning Help in-box.

Fee exemptions/reductions may be given at the discretion of the Assistant Director – Planning & Development for:

- Specific proposals to benefit people with registered disabilities.
- Proposals submitted by or on behalf of Parish or Town Councils or Community Councils.

Planning Performance Agreements (PPAs)

PPAs may be entered into with an applicant on a bespoke case-by-case basis for proposals over 250 dwellings. PPAs may or may not involve pre-application advice as well as dealing with the processing of a planning application itself.

The Council will develop a standard PPA template that sets out the following matters in addition to the ‘without prejudice’ principle at all stages:-

- certainty of timescales for reaching a decision and having a specific planning committee date to work towards;
- a project-managed application process that may include a range of professionals;
- the opportunity to discuss changes to applications as they arise;
- access to officers and consultees to enable constructive discussion on planning applications;
- named officer contact, so you can discuss your application when you need to;
- Post decision stage including conditions discharge and amendments.

Review

The pre-application service will undergo annual reviews of the service offer, its deliverability and the fees charged.

Our Charges

	<u>Written advice only (£ excl. VAT)</u>	<u>1st meeting & Written advice (£ excl. VAT)</u>	<u>Response time (from validation or meeting whichever is the later)</u>
Householder extensions , alterations and others	140	280	1 month
Minor developments 1-4 dwellings	400	600	6 weeks
5-9 dwellings	700	1000	6 weeks
Small majors - 10-49 dwellings	1500	2500	2 months
Large Majors- 50+ dwellings	n/a	4000	To be agreed on a case basis
Follow up advice	50% original fee	50% original fee	1 month
Strategic Developments in excess of 250 dwellings including mixed uses	n/a	5000 plus PPA with 75% follow up fees	To be agreed on a case basis
PPAs	n/a	Negotiable depending on what service the applicant demands, such as a dedicated resource	n/a
Commercial up to 250sqm	150	300	1 month
Commercial 250-500sqm	300	500	6 weeks
Commercial 500-1000sqm	900	1200	6 weeks
Commercial over 1000sqm	n/a	1200 + 500 per 500 sqm	2 months
Follow-up advice	50% original fee	50% original fee	1 month
Charities	Half the fee	Half the fee	To be agreed on a case basis
Tree works advice	100	200	1 month
Post Decision service (i.e following a refusal of permission)	Half the relevant pre-application fee	Half the relevant pre-application fee	To be agreed on a case basis

Other information sources (hyperlink to be included for Planning Portal and RTPI consultants list)

Highways	Kent Highways DevelopmentPlanningEast@kent.gov.uk
Surface Water/Suds	KCC Coastal/River suds@kent.gov.uk
Flooding/Water quality	Environment Agency Pre-application Enquiry Form

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Agenda Item No: 15

Report To: Cabinet / Council

Date of Meeting: 24 November 2022 / 22 December 2022

Report Title: Restructure of Port Health to fit Defra's new Target Operating Model for Border Controls 2023

Report Author & Job Title: Anthony Baldock, Director of Health and Wellbeing

Portfolio Holder: Cllr P Bartlett

Portfolio Holder for: Portfolio Holder for Safety and Wellbeing

Summary:

As a result of the delays to checks being applied to certain high risk goods from the EU post BREXIT the Port Health Service is still not fully operational.

The delays are due to Central Government who have embarked on reviewing the original plans for the Border Control Post built at Sevington.

The number of checks on goods and way that the checks will be undertaken is also very different to what was previously envisaged. As a consequence the team will shrink in numbers substantially namely circa 75 FTE's to 54 FTE's.

The Council, through no fault of its own, has to amend the staffing arrangements concerning the Port Health Service due to directions given by Defra.

Defra are underwriting all costs involved with the changes to the staffing and structure and there is no financial jeopardy arising for Council.

Members of the Cabinet are asked to familiarise themselves with the proposals in the report and review the associated costs which will be funded by Defra as outlined above.

Key Decision: NO

Significantly Affected Wards: None specifically

Recommendations

The Cabinet is recommended to:-

- i. Review the proposed new Target Operating Model and recommend to Council that it be adopted.
- ii. Note the potential redundancy costs (set out in the exempt appendix) in accordance with Section 10 of the Retirement, Redundancy and Discretionary Compensation Policy Statement
- iii. Note the costs associated with the early release of pension (set out in the exempt appendix), in the event a redundancy results, and to seek approval by Council of the costs associated with early release of the local government pension benefits.
- iv. Note that KCC Pensions have not been able to fully assess historical scheme membership for postholder 6571, and the pension strain costs may change. Defra have undertaken to underwrite all costs associated with this reduction in headcount, it is on this basis the recommendation is that Council approve the release of the pension and that the Deputy Chief Executive be given delegation to authorise any other additional costs that may be incurred once KCC Pensions have the full historical scheme membership details for this post holder.

Policy Overview:	Managing Restructure, Redundancy and Organisational Change Policy Retirement, Redundancy and Discretionary Compensation Policy Statement
Financial Implications:	The Exempt Appendix highlights the potential costs of redundancy and early release of pension; the total liability is anticipated to be circa £499,749.09 and will be met by Defra.
Legal Implications	Risk of unfair dismissal claims are minimal as our Managing Restructure, Redundancy and Organisational Change policy has been actioned appropriately throughout this project.
Equalities Impact Assessment	See Attached

Other None

Material

Implications:

Exempt from N/A

Publication:

Background N/A

Papers:

Contact: Anthony Baldock – Director Health and Wellbeing
anthony.baldock@ashford.gov.uk

Restructure of Port Health to fit DEFRA's new Target Operating Model for Border Controls 2023

Background

1. In late 2020 Ashford Borough Council was informed by Central Government that we were to conduct Port Health Service functions at the new Sevington Border Control Post.
2. The Port Health Service was created to undertake border controls for freight entering the UK by way of the Channel Tunnel at the request of Central Government. The costs have been fully under-written by Defra since inception. Checks on EU goods that need controls for sanitary and phyto-sanitary (SPS) reasons have been delayed on a number of occasions.
3. Defra set the template for the team that would be needed for Sevington and ABC has recruited a number of roles both directly within the Port Health Team and back office roles based on the Defra modelling and advice. However, a cautionary approach was taken and ABC did not fill all the roles due to emerging uncertainty around start dates.
4. The Minister of BREXIT for opportunities (Jacob Rees-Mogg) visited a number of extant Border Control Posts (BCPs) and facilities under construction in May 2022 and the SPS regime for EU goods that was due to start in July 2022 was scrapped in its entirety. This was due to a desire from central Government to create a world class border in connection with its Border 25 Vision and apply to all SPS controls including EU goods.
5. A new Target Operating Model (TOM) is therefore being developed with the stated intention of SPS checks being introduced for EU goods in December 2023. Ashford Port Health has been invited into a number of forums to help input into the new approach. It is apparent that the level of documentary checks that will be required is likely to be significantly reduced as the risk profiles will be amended and so-called systems of Eco Trust and Trusted Traders Schemes are planned.
6. Due to the delays resulting from the Border 25 vision decision the Cabinet Office reviewed Defra's plans including the staffing required to operate BCPs and also the funding of the regime during the standstill period.
7. As a consequence of the Cabinet Office review the decision has been taken centrally, by Government, to limit the number of staff at BCPs that the Government are willing to fund to 150 nationally. ABC has been allocated 54 of these posts.
8. In the short term, whilst the staff will not be undertaking SPS checks at Sevington Defra have been approached by Border Force and the Animal and Plant Health Agency (APHA). Defra have indicated that the staff that are

retained will therefore be working on projects connected with personal imports and pork meat and Ukrainian pets entering the UK.

The Impact

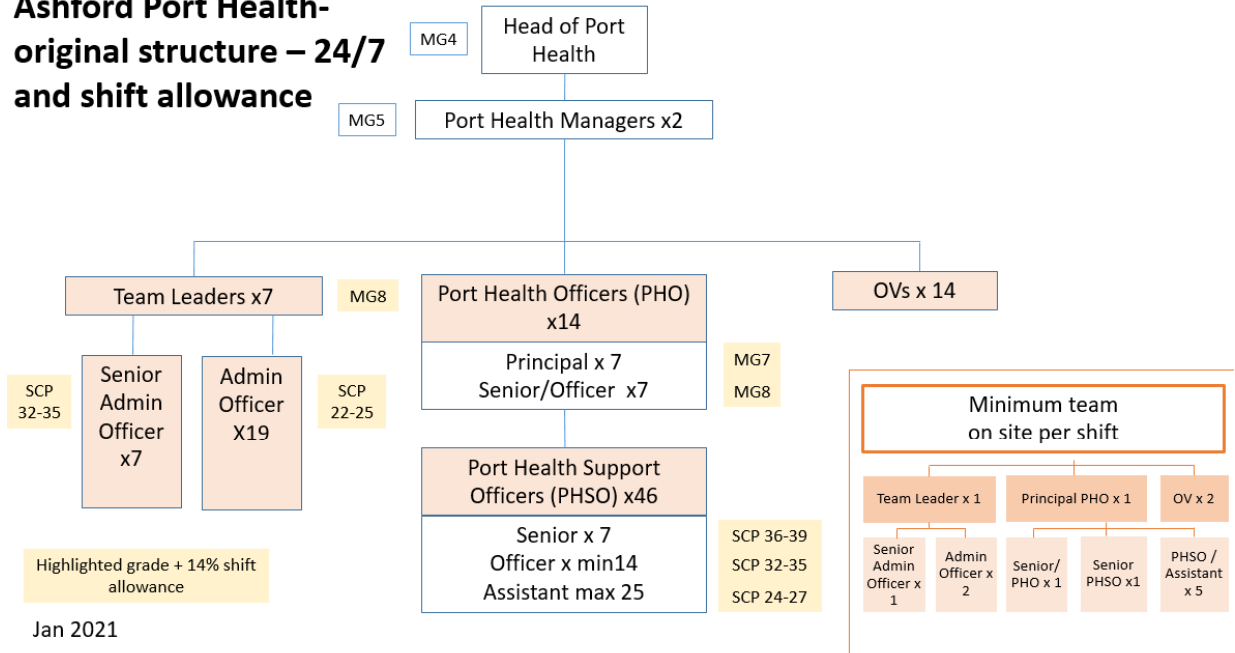
9. The 54 posts that have been allocated to ABC are technical roles. This has resulted in ABC needing to restructure the current staffing arrangements to both fit the new head count and take into account the changes in the nature of the role.
10. Defra have advised that they will not cover the costs of any roles over and above those 54 allocated to ABC; if the Council wishes to keep additional staff then we will carry the financial burden and risks.
11. The headcount for the Port Health Service is currently 74 including support staff.
12. The Official Veterinarians (OVs) are not directly employed by the Council as this service is contracted. The contract has therefore been wound down and any costs incurred will be reclaimed from Defra. The contract does have a break clause that has been implemented.
13. The original design for the model as supplied by Defra was built around 7 teams and a 24 hour 7 day a week service. Analysis of the data and the emerging Target Operating Model shows that this is not required and as a consequence the service will be designed around fewer teams.
14. The number of Official Veterinarians is also based on the trends originally forecast by Defra, we believe this is over-stated and therefore this role will be scaled back. In the future we intend to directly employ OVs but in far lesser numbers.

Rationale for New Team Structure

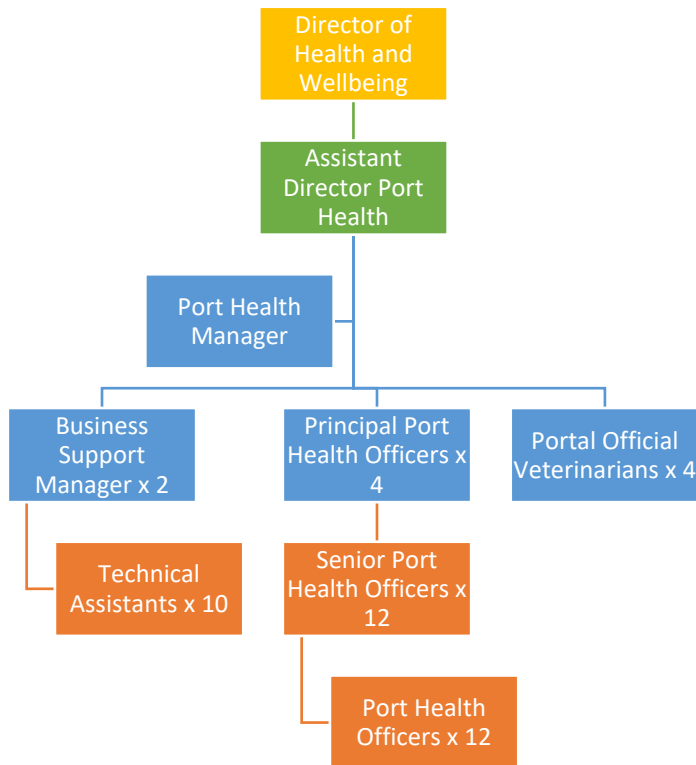
15. The original model devised by Defra in 2021 included a technical team and a very large business support team. This was due to the perceived high number of administrative tasks needing inputs such as documentary checks on SPS goods.
16. The Border 25 vision is seeking to move away from the requirement to undertake 100% documentary checking for SPS goods and the new TOM is therefore going to result in a very large scale reduction for non-technical work. In effect the business support team as envisaged is no longer required at Sevington to run the Port Health Service.

17. Original Structure

Ashford Port Health- original structure – 24/7 and shift allowance



18. Proposed structure New Structure



Assistant Director of Port Health / Director of Health and Wellbeing

19. The Assistant Director of Port Health role was not filled in the recent restructure when the Director of Health and Wellbeing post was created. This post will not be filled until Sevington is operational and a review of the need can be completed. Current funding from Defra for the Assistant Director role is being used to cover part of the Director of Health and Wellbeing's salary.

Port Health Managers

20. We currently have three Port Health Manager posts in the current structure. We have not recruited to one of these posts so that one post is vacant and the two current post holders are each focused on different aspects of the service, one looks after the technical team, the other after the administrative team as per the individual job descriptions.
21. With the large scale reduction in non-technical work it is proposed that we also reduce to one Port Health Manager and make the Port Health Manager responsible for the business support team redundant as there will be no team for this post holder to manage. It is also proposed to delete the vacant post.

Principal Port Health Officers

22. As mentioned above the trade pattern also shows that freight does not flow through Sevington via the channel tunnel in any sizeable volumes at unsociable times. The requirements for staffing the port health service will need to be revised as the trade volumes and patterns in the new operating model become clearer. In the interim there will be no changes to existing working patterns and this will be subject to a future consultation. It does seem sensible to highlight at this stage that the future working patterns may require us to amend shift patterns completely. Fewer shifts and teams therefore impacts on the number of Principal Port Health Officers required. It is proposed that PPHO be reduced from 6 to 4. This will enable sufficient line management cover for both BCP buildings at Sevington. All of the current post holders have been out at risk of redundancy.

Business Support Team Leaders

23. The current 7 Team Leader roles will be deleted and a two new posts of Business Support Manager created to handle some of the work that would have been overseen by the Port Health Manager role that is being removed. It is proposed that these posts will manage the Technical Assistants and also be outward looking in terms of seeking commercial opportunities for income generation. Of the 7 Team Leader roles in the current structure, one post is currently vacant. It is proposed that this vacant post will be deleted, all of the current post holders have been put at risk of redundancy.

Senior Business Support Officer, Business Support Officer and Administrative Apprentice

24. It is anticipated that the large scale documentary checks will be replaced with an automated IT system being developed by the government. All the staff within the business support team (Senior Business Support Officer, Business Support Officer and Administrative Apprentice) have therefore been put at risk of redundancy.

Senior Port Health Officer

25. The nature of the work will be highly technical in nature and we will need signatories to clear fish being products of animal origin. This role can be undertaken by Official Fish Inspectors we will therefore increase to 12 Senior Port Health Officers and reduce the number of Official Veterinarians in the staffing model.

Port Health Officers

26. As above the nature of the work will require us to clear products of animal origin and high risk foods not of animal origin staff will need to be food competent certifying officers. As a result we proposed to increase our current PHO numbers to 12. The 4 current post holders have not been placed at risk of redundancy. There will be a further 8 vacant roles for other displaced staff to be considered for as suitable alternative employment. We will consider individuals with bridgeable training gaps for these roles.

Senior Technical Officer

27. The proposal is that we no longer have a Senior Technical Officer as we have increased the technical capacity elsewhere. The two post holders in this role have been put at risk of redundancy and are be in the pool for ring-fenced roles created elsewhere in the service.

Technical Officer

28. We currently have 2 officers in these posts and we intend to increase this to 8 as we will need sufficient food competent persons to sign off products of animal origin (POAO) that are fish based or composite products with less than the level of POAO requiring the need for an Official Veterinarian. The number of official veterinarians is also to be reduced from 14 to 4. A number of staff have been studying to become competent for this role and we should therefore be able to recruit from the port health technical assistant pool.

Technical Assistants

29. The work the Technical Assistants do has a large administrative non-professional content that supports the professional staff in inspections and sampling etc. It is envisaged that the requirement for support will diminish and so it is proposed that we reduce to 10 of these roles. All 29 staff have been placed at risk of redundancy.

30. A number of staff in this group have been studying for professional qualifications and some are considered suitable for more senior vacant roles freeing up Technical Assistant roles for staff who have not commenced their studies yet.

31. The JD for this post has been amended to reflect the requirement of the proposed TOM.

Support staff

32. A number of support staff have also been recruited to support the Port Health function. These included IT, Legal and HR staff. Whilst we are not operational (anticipated to be late 2023) it is proposed that we make the IT roles redundant as there is no work for them to carry out. If necessary, the Legal role, which is currently funded by Port Health budgets, will be wrapped up in a separate consultation following a review of litigation work so it is not proposed to put this post holder at risk as part of this consultation. However, the retained Port Health service will still require HR and Payroll support so it is not proposed to review the staffing in this service at this stage. An Impact Assessment to show the costs of staff with all exit costs etc. and then the cost of the structure from 1 March 23 onwards has been prepared and submitted. The costs have included remaining back office staff to deal with Port Health matters in HR and Payroll. Defra have questioned the back office costs but there has been no indication these won't be covered. Correspondence received from Defra on 24 August 2022 has indicated that HR and Payroll staff involved in supporting remaining Port Health staff can be included in future bids.

33. The original consultation proposal for IT was for the Port Health IT Support Team Leader (x1) and IT Support Officers (x3) and IT Support Officer Trainee (x1) to be placed at risk of redundancy.

34. In the meantime, the 3 IT Support Officers resigned from their posts to pursue a more stable employment situation. As part of the consultation process it was additionally proposed to retain the IT Support Officer Trainee. The retained Port Health Service will require IT support and it is proposed that this is met via the general IT team which will include resource from the IT Support Officer Trainee.

Changing shift patterns

35. As mentioned above the trade pattern also shows that freight does not flow through Sevington via the channel tunnel in any sizeable volumes at unsociable times. The requirements for staffing the port health service can therefore be planned around a longer day and it is proposed that any requirements for weekend cover or night cover will be met through a contractual overtime agreement.

36. The requirements for staffing patterns at the port health service will need to be revised as the trade volumes and patterns in the new operating model becomes clearer.

37. In the interim there will be no changes to existing working patterns and this will be subject to a future consultation. It is sensible to highlight at this stage that the future working patterns may require us to amend shift patterns completely.

The transition to the new Target Operating Model

38. The new TOM is not anticipated to be live until late 2023, which means that we will not be operating as a Port Health Service until this time. However Defra have some transitional roles that will support import checks and bio security that are going to be made available as secondments for retained staff.

Other options considered

39. Defra have been very specific that they have considered the new burdens likely to arise at Sevington and will only fund a maximum of 54 posts. They have also specified these posts must be of a technical nature.

Risk assessment

40. It is possible that the SPS regime will not begin as planned in December 2023. Defra have nevertheless guaranteed that ABC will not be put into any financial jeopardy and will under write the costs for the 54 staff.

41. It is possible that the technical staff we are hoping to keep may find other jobs due to the constant delays and uncertainty around the future. Should that happen it is proposed to leave those posts vacant until 2023 and more clarity is available concerning the TOM.

Consultation

42. The consultation pathway was set out in the initial consultation paper as follows.

Week(s) commencing	
6 September 2022	Announcement day, invites to individual and group consultation meetings sent out.
12 September 2022 19 September 2022	First consultation group meetings
26 September 2022	Opportunity for second consultation meeting
3 October 2022	Respond to feedback from consultation
06 October 2022	Using feedback from the consultation finalise proposals for the JCC meeting
27 October 2022	JCC meeting
31 October 2022 7 November 2022 14 November 2022	Selection processes
24 November 2022	Cabinet meeting

12 December 2022	Notices of redundancy issued (subject to council approval if applicable) and revised contracts of employment issued.
22 December 2022	Council meeting

43. Consultation has progressed well and has secured a high level of engagement from the affected employees.

44. The JCC meeting took place on 27 October 2022 and there was general consensus that a reasonable and meaningful consultation process had taken place. However, disappointment was expressed regarding the external situation and the regrettable situation that staff were in. Members are referred to the minutes from this meeting for full details.

Selection process and redeployment

45. A summary document was sent to all affected employees outlining the proposed selection processes. This document also detailed the process for voluntary redundancy, allocating vacant roles in the proposed structure and redeployment to roles across the council.

46. All ABC vacancies have been initially circulated to Port Heath staff with a view to securing alternative employment within ABC wherever possible. Any Port Heath applicants who remain at risk following the selection and allocation process will be prioritised in the application process.

47. Their suitability for available roles will be assessed by way of an interview process before the posts are opened to applications from other internal or external candidates.

Implications Assessment

48. The implications of this proposal (brought about by the change of direction from Government) was that up to 59 post holders were placed at risk of redundancy, and up to 42 posts may be redundant. However, as a result of the allocation of officers to more senior technical roles (by identified bridgeable training gaps) plus some natural turnover in recent weeks means that the number of redundancies will be much less than this. As detailed in the Exempt Appendix it is proposed to make 11 posts redundant (7 compulsory and 4 voluntary). We will continue to work with the 7 individuals in the compulsory group to identify suitable alternative roles for redeployment.

Financial implications

49. Not all staff have two years' service so it is possible that some will leave without a redundancy payment. All staff whose posts are made redundant will be entitled to receive notice of the termination of their employment or payments in lieu of notice in accordance with their contractual or statutory entitlements as well as an appropriate adjustment for holiday taken or accrued. Other staff who have continuous service of more than 2 years will be entitled to redundancy pay based on our discretionary compensation policy. i.e. Statutory number of weeks as per the DTi ready reckoner, based on actual weeks' pay and a 1.25 multiplier.
50. Staff who are in the LGPS, over 55 and have two years pension scheme membership are entitled to the early release of their pension in the event of their redundancy, this may result in a cost (pension strain) to the council.
51. Defra has indicated that it will cover the costs of redundancy and pension strain.
52. Costs associated with this proposal are provided at Exempt Appendix 1.
53. Section 10 of the Retirement, Redundancy and Discretionary Compensation Policy Statement is detailed as follows.

The Council will make a discretionary compensation payment in redundancy cases, in accordance with regulation 6 of the Regulations, subject to the following conditions:

- (a) there is no reasonably suitable redeployment opportunity for the employee;*
- (b) the employee if so required enters into a legally binding compromise agreement in terms that the compensation payment is in full and final settlement of any employment law claims the employee may have arising from the termination; and*
- (c) where the discretionary compensation payment is £100,000 (excluding pension capital costs) or more, the proposal shall be referred to full Council for decision; or*
- (d) where the total capital cost is below this threshold the Chief Executive, with the concurrence of the Leader based on the recommendation of the Portfolio Holder and in consultation with Corporate Management Team, has the delegated authority to approve. Payments below £25,000 will not be subject to the Leader's concurrence*

54. Therefore, Cabinet are asked to note where 10d applies.
55. The Council's policy on the application of pension scheme discretions is that all costs associated with early release of the local government pension benefits must be approved by Council, and this is reflected in the recommendations of the report.
56. In this instance the one post holder (6571) has historical scheme membership that has not been assessed fully by KCC Pensions which may change the costs of the pension strain, Defra have undertaken to underwrite all costs associated with this reduction in headcount, it is on this basis the recommendation is that

Council approve the release of the pension and that the Deputy Chief Executive be given delegation to authorise any other additional costs that may be incurred once KCC Pensions have the full historical scheme membership details.

57. Any staff member who is at risk of redundancy will not be required to repay relocation or training costs if they are made redundant, nor if they find another role whilst at risk.

58. Where a member of staff is successful in being redeployed to another role in the council, and there is a reduction in salary in the new role, the Council's salary protection arrangements will apply whereby salary is protected at a maximum of one grade above the grade for the role for three years. This will also be underwritten by Defra and has been included in the impact assessment.

59. The proposed new structure will be fully funded by Defra up until go-live with the new TOM. Thereafter the service will be funded through fees and charges.

Conclusion

60. It is with great disappointment that we are proposing to reduce the size of the Port Health Service. The staff have been patient with us since our first aborted go live date in April 2021.

61. It is regrettable that the change in government direction has impacted the service and its dedicated officers in this way, and we will look to make the process as smooth as we can for all those affected.

Comments from the Portfolio Holder

62. "I support the work being carried out to right size the Port Health Team. ABC has worked well with the Government to deliver its aspirations for the IBF/BCP and it is correct that we now adjust our team to deliver TOM for their Border 25 vision." Cllr P Bartlett

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a

policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Anthony Baldock
Decision maker:	Cabinet / Council
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Restructure of Port Health to fit DEFRA's new Target Operating Model for Border Controls 2023
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	24 November 2022 / 22 December 2022
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	Proposed redundancies – approx. 10
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	Examples may include notes from meetings, emailed conversations (synopsis) alternatives considered and rejected and why
Consultation: <ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different 	Individual consultation meetings have taken place with affected employees

protected characteristics?		
<p>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</p> <p>When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.</p>		
Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	none	Neutral
Middle age	none	Neutral
Young adult	none	Neutral
Children	none	Neutral
<u>DISABILITY</u> Physical	none	Neutral
Mental	none	Neutral
Sensory	none	Neutral
<u>GENDER RE-ASSIGNMENT</u>	none	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	none	Neutral
<u>PREGNANCY/MATERNITY</u>	none	Neutral
<u>RACE</u>	none	Neutral
<u>RELIGION OR BELIEF</u>	none	Neutral
<u>SEX</u> Men	none	Neutral
Women	none	Neutral
<u>SEXUAL ORIENTATION</u>	none	Neutral

Mitigating negative impact:	Advice has been provided
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Where any negative impact has been identified, outline the measures taken to mitigate against it.	
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<p>Is the decision relevant to the aims of the equality duty?</p> <p>Guidance on the aims can be found in the EHRC's Essential Guide, alongside fuller PSED Technical Guidance.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	n/a
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	n/a
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	n/a

<p>Conclusion:</p> <ul style="list-style-type: none"> • Consider how due regard has been had to the equality duty, from start to finish. • There should be no unlawful discrimination arising from the decision (see guidance above). • Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified. • How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported? 	<p>Consultation has been followed and advice provided by qualified HR professionals</p> <p><i>The council's revised policy register will assist services to meet this</i></p>
EIA completion date:	28.10.22

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Civic and Ceremonial Programme Board

Notes of a Virtual Meeting of the Civic and Ceremonial Programme Board held on the **26th October 2022**.

Present:

Cllr. Clarkson (Chairman)
Cllr. Forest (Vice-Chairman)

Cllrs. Harman, Charles Suddards, Webb (ex-officio).

In accordance with Procedure Rule 1.2 (iii) Councillors Harman and Charles Suddards attended as Substitute Members for Councillors Ovenden and Lyn Suddards respectively.

Apologies:

Cllrs. Burgess, Feacey, Ovenden, Lyn Suddards.

Also Present:

Assistant Director of Environment, Property and Recreation, Tourism and Heritage Manager, Grounds Maintenance Operations Manager, Civic Officer, Tourism and Heritage Development Officer, Policy and Democratic Services Assistant, Member Services Manager.

1 Declarations of Interest

- 1.1 Councillor Webb made a Voluntary Announcement as President of the Ashford Sea Cadets.

2 Notes of the Previous Meeting of the Board – 27th July 2022

- 2.1 The notes of the Meeting held on the 27th July 2022 were approved and confirmed as a correct record.

3 Platinum Jubilee Civic Awards 2022 - Feedback

- 3.1 Both the Leader and the Mayor wanted to stress what a special evening this had been. They wanted to thank the staff who had work tirelessly to arrange the event, Kent Music for their delightful string quartet and the sponsors who had been so generous. The evening had provided an opportunity to recognise individuals who gave their time to do so much for the people of Ashford. The awards themselves had taken the form of a handmade crystal tree on a plinth of English oak, which had been a fitting tribute to Her Majesty the Queen in the year of her Green Canopy. Members who had been present said it had

been a joy to be present and a very humbling experience to meet the award recipients and their families and hear their stories.

Resolved:

That the report be received and noted.

4 Civic Office Update (including Remembrance Sunday – 13th November 2022)

- 4.1 The Civic Officer introduced her report which gave an update on activity in the Civic Office including: - Merchant Navy Day on the 3rd September; the Death of Her Majesty Queen Elizabeth II and the implementation of Operation London Bridge; the Civic Twinning visit to Fougères; Remembrance 2022; and the HMS Albacore Flag Raising and Plaque Dedication Ceremony.
- 4.2 With specific reference to the Twinning Visit to Fougères, the Civic Officer advised that the Deputy Mayor and Mayoress had attended this in place of the Mayor and Consort who were unable to travel. Despite the tragic passing of Mike Bennett during the trip, feedback on the trip and the hospitality and sensitivity of the hosts had been extremely positive and it was felt that bonds had become even stronger as a result. The Vice Chairman, as the Council's Twinning Champion, advised that the timetable had changed and they would now be visiting Bad Münstereifel, Germany in 2023 with Ashford hosting in 2024. 2024 would be a significant year for Ashford to host as it marked the 60th anniversary (26 August 1964) of the Twinning between Ashford and Bad Münstereifel, the 40th anniversary of the twinning between Ashford and Fougères, as well as the 50th anniversary of the Borough Council itself.
- 4.3 The Mayor introduced the second part of the HMS Albacore commemorations which would include the flying of the specially designed ensign from the Ashford Sea Cadets at the Civic Centre. This was planned for 28th February annually (which was the date in 1942 that the civil community of Ashford formally adopted the HMS Albacore after a successful fundraising Warship Week). It was also planned to have a small ceremony to unveil the hand crafted wooden copy of the minesweeper's badge created by Ben Sharp and it had been suggested that this could be securely hung in the Civic Corridor on Level 2 of the Civic Suite alongside a photo of the ship and some detail and history of the affiliation. If agreed, it seemed sensible for this dedication to take place on the same special day – 28th February 2023. This could include a small reception to celebrate the occasion.

Resolved:

That the report be received and noted.

Recommended:

- That (i) the flying of the newly adopted HMS Albacore flag on the official date of 28th February each year be agreed and included in the Council's flag flying programme.
- (ii) a ceremony take place on the 28th February 2023 to hang the badge and some information about the history of HMS Albacore in the Civic Centre, along with a small reception.

5 Update on AIMREC Plans to Celebrate of 180 Years of Railway in Ashford

- 5.1 The Tourism and Heritage Development Officer gave an update on planned events by AIMREC to recognise the 180th anniversary of the Railway arriving in Ashford in November 1842. The Council has assisted AIMREC with marketing, promotion and printing.
- 5.2 The Vice-Chairman said it was important to recognise that AIMREC had arranged this programme themselves, with the Council's support. It was very positive that they had taken the lead and he looked forward to the events.

Resolved:

That the report be received and noted.

6 Civic Twinning

- 6.1 Councillor Forest advised that this had largely been covered under the Civic Office Update but one thing to add was that there would be an update on the recent visit, and Twinning more generally, in the Ashford For You magazine. He also advised that the Ashford Twinning Association had been working closely with the British German Association, with a view to inviting representatives to their AGM in March next year. He said there was a really interesting relationship developing and Ashford was seen by the British German Association as one of the leading Twinning Associations in terms of the work they were doing to raise the profile of Twinning. He considered this was exciting news.
- 6.2 The Leader said he personally wanted to recognise Councillor Forest, as the Council's Twinning Champion, for the way he had handled such a very sad and difficult situation on the Fougères visit. He understood they had just arrived and the incident had happened on the first evening. Feedback had been that it had been handled in such a sensitive way and support from the French colleagues and friends had also been absolutely brilliant.

Resolved:

That the report be received and noted.

7 59th (Newfoundland) Heavy Regiment Royal Artillery – Ashford’s Forgotten History

- 7.1 The Tourism and Heritage Development Officer introduced this item and gave some of the background to the discovery of links between this Canadian Regiment and Ashford, whereby the Regiment had been based at Ashford School during the Second World War, chiefly engaged with coastal defences in South East England. A grave of a member of that Regiment, Walter Pike, had been discovered in Bybrook Cemetery by a local lady, Judith Holloway, who had made contact with the family in Canada who were unaware. Consequently she had undertaken research in to the Regiment, obtained some really interesting documentation about the Regiment including diary entries and had forged links with both the School and in Canada.
- 7.2 Officers considered these discoveries were extremely interesting and exciting, not least as they reflected pieces of forgotten history for Ashford and this was something that deserved to be better known about. They had agreed to bring this back to this Board to update Members and were looking for permission to form a small informal working group to examine ways for this story to be better promoted and published.
- 7.3 The Board was extremely supportive of the formation of a working group and the potential for installing some sort of permanent memorial to the Regiment in Ashford. The Leader asked if a report could be prepared for the Cabinet to make them aware and perhaps something could be included in a future edition of Ashford For You magazine.

Resolved:

That an informal working group be established between ABC Officers, Ashford School, the Royal British Legion and other interested parties, to promote this part of Ashford’s forgotten history in order to appropriately commemorate the 59th (Newfoundland) regiment in the wider context of the history of the Borough.

8 Events Calendar

- 8.1 This set out the above for 2022 - 2026. This was a live document and it would be updated as Officers became aware of new anniversaries and events. Members were encouraged to input with any events that they were aware of for addition to the calendar.

Resolved:

That the Events Calendar be received and noted.

9 Coronation of King Charles III

- 9.1 It was noted that this had now been set for Saturday 6th May 2023. With the Local Elections on Thursday 4th, and Election Count on Friday 5th, it promised to be a busy weekend for the Council. The Leader said that whilst they must wait for official advice from the King's Pageant Master, he would like the Borough to embrace this and do something special to mark the occasion.
- 9.2 Officers asked for guidance on the type of celebration envisaged – for instance should it be similar to the Platinum Jubilee with an arts trail, beacon lighting and civic church service? The Leader said he was keen to see something take place in the urban area of Ashford – possibly a street or coronation party in either the Civic Park or Victoria Park. It was, however, considered prudent to wait first for the official guidance from the Palace.
- 9.3 A Member said that she was sure Parishes would organise their own events and beacon lightings to mark the occasion, but it would be good to have the support of Ashford Borough Council and KALC to help support each other and make a memorable chain of events.

10 Newtown Memorial

- 10.1 The Leader gave a verbal update on the Memorial that was planned for the Newtown Works site. This would commemorate those who lost their lives at a bombing raid at the railway works in 1943, the largest single loss of life in Kent during the Second World War. The Memorial would also recognise the railway works itself dating back to 1847, as well as the RAF who defended this part of Kent during the war. He showed drawings of the proposed design for the Memorial, which would include the installation of two granite benches, and he hoped the Memorial would be unveiled by a member of the Royal Family during 2023.

11 Queen's Platinum Jubilee Park

- 11.1 The Leader updated on the news that Ashford had been granted permission by the Cabinet Office to use the name "The Queen's Platinum Jubilee Park" for the area provisionally known as Discovery Park. This was where a number of the 135,500 trees would be planted for the Queen's Green Canopy project. There had been some discussion about local people not being consulted and he advised that the name did not have to be used, but it seemed a shame considering permission had been granted, and particularly in this special year.
- 11.2 The Board were united in considering that the name should be used and that a vast majority of local people were likely to support this, without the need for a lengthy consultation process. The granting of permission to use this name should be seen as an honour, particularly during the 70th and final year of Queen Elizabeth II's reign.

12 The Mayor's Long Service Certificates

- 12.1 The Mayor advised that she and the Leader had recently presented a number of long service certificates and medallions to members of staff who had worked for Ashford Borough Council for more than 25 years. She said it had been lovely to spend an afternoon with those long serving members of staff and she had actually been quite surprised just how many people had worked at the Council for such a length of time. She considered it was quite an accolade that people had stayed that long at one workplace.

13 Ashford Honorary Ambassador Award

- 13.1 The Leader advised that the first of these awards had been presented in 2018 to Dr Liliana Turoiu of the Romanian Institute for her work in bringing the statue of Queen Marie of Romania to Ashford. The Award was created to recognise and honour individuals who had made, or were making, a significant contribution to the development, wellbeing, strength and/or civic dignity of the Borough of Ashford, and he now proposed to make the second award to Jasmin Vardimon, on the opening of their new premises in Ashford.
- 13.2 A Member said he would like to understand a little more about the work Jasmin Vardimon did in Ashford because he did not think the people of Ashford had got much of a benefit from the association and investment and whether there was any commitment to do this, or whether this was just done on a voluntary basis. Other Members advised that the Company did a huge amount locally and often gave their time freely. The Vice-Chairman said he had previously extended an invitation to the Member to visit the new site and meet with the Executive Director of the Company to discuss their bursaries and activities and this had not been taken up. He was sure that offer still stood and would be happy to arrange something should the Member so wish
- 13.3 The Leader said that as part of this award it would be important to publicise the work of Jasmin Vardimon and just how much she did in Ashford. He would look to release a Leader's Briefing on the subject and include something in the Ashford For You magazine.

14 Permanent Loan of the Tenterden Rural District Council Badge of Office

- 14.1 The Leader advised that since the Local Government re-organisation of 1974, the Council had housed the Chain of the former Tenterden Rural District Council in its Mayor's Parlour. It had been considered appropriate for some time to return that to Tenterden Town Council as it was really their history and it would reinforce bonds between the two Authorities. Therefore, a small ceremony had been arranged for 31st October in the Council Chamber whereby the Chain would be handed over by the Mayor of Ashford to the Mayor of Tenterden. A legal document had been drawn up to facilitate a

'permanent loan', with the Badge of Office coming back to ABC if circumstances were to change in the future, and this would be signed by both the Chief Executive of ABC and the Town Clerk of Tenterden on the day.

15 Date of Next Meeting

The next Meeting of the Board is currently scheduled for Wednesday 25th January 2023 at 2.30pm.

Councillor Clarkson
Chairman – Civic and Ceremonial Programme Board

Queries concerning these minutes? Please contact Member Services
Telephone: (01233) 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

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Compliance and Enforcement Board

Notes of a Virtual Meeting of the Compliance and Enforcement Board held on Microsoft Teams on the **25th October 2022**.

Present:

Cllr. Bell (Chairman);

Cllrs. Buchanan, Feacey, Forest, Shorter, Spain.

Apologies:

Solicitor to the Council and Monitoring Officer.

Also in attendance:

Cllr, Michael.

Environmental Contracts and Enforcement Manager, Community Safety and Resilience Team Leader, Team Leader Planning Enforcement, Senior Planning Lawyer, Member Services and Ombudsman Complaints Officer.

1. Notes of the Meeting of 26th July 2022

1.1 The Board agreed the notes as an accurate record.

2. Declarations of Interest

2.1 Cllr. Shorter declared that the landowner for his small holding was referred to under item 4 on the agenda. Cllr Shorter said that he would not take part in discussion on that item.

3. Environmental Crime Enforcement in Ashford

3.1 The Environmental Contracts and Enforcement Manager introduced this item and drew Members' attention to the key points within the report. The Chairman thanked the team and said it was pleasing to see the actions being taken.

3.2 The Chairman opened up the item for discussion and the following points/questions were raised:

- In response to a question regarding finances, the Environmental Contracts and Enforcement Manager explained that the service did not generate income, but that there were cost benefits overall. It had been possible to save significant costs in resources going forward under the new tender.

- A Member asked about littering from vehicles and how this was reported. The Environmental Contracts and Enforcement Manager explained that a warning notice was sent to any vehicles involved to act as a deterrent in future, and legal advice would be sought if necessary. In response to another question, he advised that he would check and confirm whether fly-grazing offences could be reported via the corporate reporting app. He said that no such offences had been reported in the last month.
- A Member asked how members of the public could be reassured that they would not suffer from repercussions from reporting crimes. The Environmental Contracts and Enforcement Manager said it was true that some members of the public did not want to become visibly involved in any enforcement action, and in such cases they just provided intelligence and information but were not required to come forward as witnesses.
- With regard to an issue at the Clover Leaf Roundabout, a Member asked officers to ensure that the parish council was kept updated with proposed actions to protect the Council's reputation in the area. The Community Safety and Resilience Team Leader reassured Members that officers were actively working on this issue at present, and were in communication with the parish council, but were limited on how much information could be shared at this stage. The Environment Contracts and Enforcement Manager said that his team would liaise with the Community Safety and Resilience Team to move this issue forward.
- Members expressed a desire to see registration numbers put on food items provided by fast food outlets in an effort to identify offenders. The Environment Contracts and Enforcement Manager agreed that it could be beneficial to work with McDonalds, and he would encourage negotiation with the company on their food packs.

Recommendations/Actions:

That the update report be received and noted.

4. Anti-Social Behaviour in Ashford - Update

4.1 The Community Safety and Resilience Team Leader introduced this item and drew Members attention to the key points within the report.

4.2 The Chairman opened up the item for discussion and the following points/questions were raised:

- A Member noted the increased and regular use of electric scooters along footpaths, and cited in particular the area from the Designer Outlet to the station. He also noted that there was a shop in the town centre which sold electric scooters and he feared this gave rise to the impression that it was acceptable to ride scooters in public areas. The Community Safety and Resilience Team Leader agreed that this was

becoming an increasing problem, particularly in rural areas. She advised that one of the best approaches to tackling the problem was via education through youth groups and youth platforms, and the team was pushing for this to get more focus. Officers were aware of the situation and were working with the Police, and would continue to monitor the situation. She urged residents to report any incidents to either the CSU or the Police. The Chairman asked the Community Safety and Resilience Team Leader to include an update on this in future reports to the Board.

- A Member commented that there was some apathy among residents due to the difficulties in reporting nuisance and anti-social vehicles. He was disappointed that the system still appeared not to be working properly and he considered that many people gave up in their attempts to provide reports via the Kent Police website. The Community Safety and Resilience Team Leader said that this was an issue that needed to be addressed higher up the Police management line and she would be pushing for a resolution to the problem. A Member commented that he had requested more officer resources for Ashford, but the allocation was based on the reported data. With the current problems in the reporting system the issues in Ashford did not appear to demand extra resources, and the situation had become a vicious circle. He considered that the Police should be encouraged to undertake a blitz of enforcement in the town centre. Another Member advised he had requested that a Police special adviser and officers be sent to Ashford specifically for this purpose. The Community Safety and Resilience Team Leader said that ABC officers did investigate incidents when it was considered possible and safe to do so, but ultimately support from the Police was often required. The Chairman added that where organised crime syndicates existed there were problems getting Police support for planning enforcement and it was not possible for officers to act alone. The Community Safety and Resilience Team Leader suggested that a Police representative be invited to the next meeting to answer some of the questions posed by Members, and Members supported the suggestion.

4.3 The Chairman concluded by thanking the team for their hard work.

Recommendations/Actions:

That the update report be received and noted.

5. Planning Enforcement Update

- 5.1 The Team Leader Planning Enforcement introduced this item and highlighted the key points in the report. In addition, she advised that over the August Bank Holiday the team had provided cover and there had been no call outs over land use in the Borough that weekend. The Chairman thanked her for her report, and said it was good to see real action in court to deal with enforcement.

5.2 The Chairman opened up the item for discussion and the following points/questions were raised:

- A Member asked about the situation regarding the Park Farm mobile mast and whether it was likely to remain open. The Team Leader Planning Enforcement advised that officers were working behind the scenes, and it was suggested that the involvement of the KCC Member for that area should be requested. She said that legal officers had been consulted and it should soon be more clear where the Council stood in terms of enforcement. She assured Members that she would be keeping the parish council and Ward Members informed on any progress.

Recommendations/Actions:

That the update report be received and noted.

6. Date of Next Meetings

- 6.1 24th January 2023 at 10am
25th April 2023 at 10am
25th July 2023 at 10am
24th October 2023 at 10am

Councillor Bell (Chairman)
Compliance and Enforcement Board

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Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **24 June 2022**.

Present:

Cllr. Bartlett (Chairman)
Cllr. N Bell (Vice Chairman)

Cllrs. Mrs Bell, Blanford, Harman, Heyes, Ledger, Spain, Sparks and Wright.

Also Present:

Cllrs. Burgess, Michael

In attendance:

Director of Place, Space and Leisure, Spatial Planning Manager; Team Leader – Plan Making and Infrastructure; Deputy Team Leaders – Plan Making and Infrastructure; Planning Officer – Plan Making and infrastructure; Principal Solicitor - Strategic Development; Member Services Officer.

1 Apologies and substitutions

- 1.1 All the Task Group Members were present.

2 Declarations of interest

- 2.1 A voluntary declaration was made by Cllr Harman in respect of item 4 – Neighbourhood Planning Protocol as she was involved in the Neighbourhood Plan for Aldington and Bonnington.
- 2.2 A voluntary declaration was made by Cllr Spain in respect of item 4 as he resided in Charing, where a Neighbourhood Plan was in preparation.
- 2.3 The Chairman emphasised the confidential nature of the meeting, and Members confirmed that they understood the need for confidentiality and privacy.

3 Notes of the last meeting

- 3.1 The Notes of the meeting held on 13 May 2022 were agreed as a true record of the meeting.

4 Neighbourhood Planning Protocol

- 4.1 The Acting Deputy Team Leader – Plan Making and Infrastructure introduced the report explaining that the intended protocol was to assist Neighbourhood Plan Groups by clarifying the roles of the Borough Council and Neighbourhood Planning bodies and to consider the likely necessary resource within the Plan Making and Infrastructure Team. The Group was asked to endorse the content and to publish on the ABC website.
- 4.2 A Member referred to the impact of national legislative changes on plan making in respect of keeping plans up to date. He asked if some mechanism or process could be produced to flag up when changes are made and the consequences of those changes. The Spatial Planning Manager acknowledged the challenges facing plan makers noting that there had been a number of planning reforms and changes to legislation and guidance over recent years. Plans can only ever be a snapshot in time, which is why it is important to carry out regular reviews and update as necessary.
- 4.3 A Member agreed that it was important to reflect the most up to date legislation and it was in the interest of the Parish that the Neighbourhood Planning Group review regularly.
- 4.4 The additional challenge of first establishing a Neighbourhood Planning Forum in unparished areas before preparation of a Neighbourhood Plan could commence was highlighted by a Member. The Spatial Planning Manager recognised the challenges faced by unparished areas. He advised that local communities can always participate in the Local Plan process to consider local policies for inclusion. .

Resolved

The Local Plan and Planning Policy Task group received the report and:

- i) Noted the contents of the report;**
- ii) Endorsed ‘Neighbourhood Plan Protocol’ for publication on the Council’s website, subject to the agreed amendments;**
- iii) Noted that authority to make any subsequent amendments required to the ‘Neighbourhood Plan Protocol’ was delegated to the Assistant Director of Planning & Development, in consultation with the Portfolio Holder of Planning & Development and Chair of Local Plan and Planning Policy Task Group.**

5 For Member's information – the current approach to Stodmarsh issues and how they impact the Five Year Housing Land Supply debate

- 5.1 The Deputy Team Leader – Plan Making and Infrastructure summarised the report and the key issues arising, namely the impact of Stodmarsh and the Council's 5 year housing land supply position in relation to decision making and planning appeals. The Deputy Team Leader explained that for the purpose of 5YHLS, due to Stodmarsh the borough is essentially split into 2 component parts. The Deputy Team Leader explained this further and outlined the approach to be taken in each part.
- 5.2 The Spatial Planning Manager added that the greatest challenge being faced as a borough is in the areas outside of the Stour catchment, as developers are arguing that more delivery should take place outside of the catchment area, to compensate for under delivery in the catchment.
- 5.3 Members thanked the officers for their comprehensive report.
- 5.4 A Member asked where this left ABC regarding existing outstanding appeals. The Spatial Planning Manager replied that the Council's case in most current appeals adopts the approach outlined. . It will be interesting to see how these appeal Inspectors respond.
- 5.5 A Member asked an update on the Stodmarsh mitigation measures that the Council is pursuing. The Spatial Planning Manager replied it was hoped that by the end of September an all-Member update briefing would be possible.
- 5.6 A Member referred to a specific appeal in his ward. In response to the discussion regarding this appeal it was agreed to circulate a list of outstanding appeals by parish, including any set dates.

Resolved

The Local Plan and Planning Policy Task Group received and noted the contents of the report, in expectation of an all-Member briefing in the autumn.

6 Planning Reforms – Levelling Up and Regeneration Bill Update

- 6.1 No further updates required presentation.

Resolved

That the report in respect of the progress of the Levelling Up and Regeneration Bill be received and noted.

7 Update on Strategic Developments in Neighbouring Authorities

- 7.1 The Team Leader – Plan Making and Infrastructure confirmed that there were no updates to the report. He noted that adjoining authorities are relying very heavily on new garden settlements to fulfil their future housing growth.
- 7.2 A Member thanked the officer for the report. He noted that a couple of the developments mentioned new or revised railway station provision. He believed these were of great importance to developments of such size. He asked that ABC reinforce the message that enhanced rail connections were paramount to reducing cross-county road traffic. It was confirmed that ABC were actively engaging with Folkestone and Hythe regarding provision for Otterpool. The Chair commented that we should endorse public transport enhancements, particularly for commuters.
- 7.3 A Member asked if the proposed Lenham Heath garden community was approved before the Stodmarsh issues were known. He commented there was a lot of pressure to build on the A20 corridor. The Team Leader – Plan Making and Infrastructure confirmed the development was not yet approved, and there were plans to include a new waste-water treatment plant to mitigate the Stodmarsh harms.

Resolved:

The Local Plan and Planning Policy Task Group received the report and:

(i) noted its contents;

(ii) anticipated the potential for further reports in due course, in particular in relation to the proposed Heathlands Garden Settlement in Maidstone Borough;

(iii) anticipated the submission of an ABC response to the consultation on the revised Otterpool Park Outline application in Folkestone and Hythe District by the Portfolio Holder, to be reported back to Task Group if considered to be necessary; and,

(iv) noted that officers continue to attend regular ‘Duty to Cooperate’ meetings with adjoining authorities, although the recently published Levelling Up and Regeneration Bill proposes to abolish the Duty in favour of other arrangements which will presumably become clearer as the Bill makes its way through

8 Member Tracker

- 8.1 The Chair noted that as the 5YHLS update may not be ready in time for the August meeting and the Charing Neighbourhood Plan consultation closes at the end of July he suggested the August meeting be cancelled in favour of a longer meeting in September. The Spatial Planning Manager agreed any issues arising from the Charing Neighbourhood Plan could be brought to the Leader as Ward Member, the Chair and the Portfolio Holder for Planning too, in the meantime.
- 8.2 A Member questioned whether an Agenda item could be added in September regarding an expected change to the NPPF. The Spatial Planning Manager responded that anything of significance relating to changes to the NPPF would be shared.
- 8.3 A Member asked for reassurance that the item on Policy SP7 be considered at the September meeting, which was agreed by the Chair.
- 8.4 The Group agreed to cancel the August meeting and extend the September meeting by a half-hour.

9 Date of Next Meeting

- 9.1 16 September 2022 at 10am.

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Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **16 September 2022**.

Present:

Cllr. Bartlett (Chairman)
Cllr. N Bell (Vice Chairman)

Cllrs. Mrs Bell, Blanford, Ledger, Spain, and Sparks.

Also Present:

Cllr Burgess.

In attendance:

Spatial Planning Manager; Team Leaders – Plan Making and Infrastructure; Deputy Team Leader – Plan Making and Infrastructure; Planning Officers – Plan Making and infrastructure; Principal Solicitor - Strategic Development; Member Services Officer.

1 Apologies and substitutions

- 1.1. Apologies had been received from Cllrs Walder and Harman, and from Tracey Butler.

2. Declarations of Interest

- 2.1. A voluntary announcement in respect of Item 4 was made by Cllr Bartlett; he was a member of KALC.
- 2.2 A voluntary announcement in respect of Item 4 was made by Cllr Ledger; he was a member of KALC, and a member of Shadoxhurst Parish Council.
- 2.3 A voluntary announcement in respect of item 7 was made by Cllr Spain, that he lived in the parish of Charing.

3. Notes of the last Meeting

- 3.1 These were not currently completed. It was agreed these could be resolved at the next meeting.

4. Policy SP7 Separation of Settlements

- 4.1 The Spatial Planning Manager gave an outline of the intention of the report, which sought to explain the parameters of policy SP7, regarding measures to avoid the coalescence of adjacent settlements. It was

important to afford consideration to this policy when reviewing the Local Plan, as the green buffer areas had been significantly identified in several recent appeals.

- 4.2 It was noted that there was a hierarchy of open space definition and perhaps any new strategy could be more closely linked to biodiversity considerations.
- 4.3 Members were keen to recognise the successes of settlement separation in recent larger developments such as Chilmington, Singleton and Park Farm, and to use these examples in a positive way to protect community character going forward.
- 4.4 A Member was concerned that green buffer zones could be eroded by large developments arising close to the borough borders. It was noted that it was important to continue to develop active engagement mechanisms and partnership relationships with adjacent councils, feeding into conversations at an early stage and throughout development planning processes. There had been government focus on the delivery of new garden towns to address the shortfall in housing, but this strategy was not addressing the short-term need, and so could not be the only answer. The Team Leader – Plan Making and Infrastructure was asked to check with the Programme Officer for the Lenham Heath garden town development with regard to the timetable for comments, and feed back to the Chairman, Vice-Chairman and Ward Members.
- 4.5 A Member mentioned a previous paper compiled by KALC and sent to the Planning team in 2020, which could contain useful information to help define settlements and surrounding countryside protection. Officers were asked to retrieve and circulate the KALC document, with any comments, to the Group.

Resolved:

The Local Plan and Planning Policy Task Group

- **noted the content of the report and the outcome of the appeals referenced;**
- **agreed that Policy SP7 should form part of the review of the Local Plan when it is triggered, to determine whether the Policy requires any revision**

5. New permitted development rights for telecommunications infrastructure

- 5.1 A comprehensive report had been circulated which defined the changes to previous permitted development rights for telecommunication infrastructure following a review in April 2022. Central government sought to provide improvements to nationwide 4G coverage, and investment in the provision of 5G. The intention was to broaden the rights to allow swifter resolution to upgrading existing infrastructure whilst simplifying the process for the installation of new masts.

Resolved:

The Local Plan and Planning Policy Task Group noted the contents of the report.

6. Review of recent planning appeals

- 6.1 The circulated report was welcomed by Members. It was noted that 80% of recent appeals had been successfully challenged. These successes helped to establish the understanding of the application of policy HOU5 in the countryside ('adjacent or near to' test versus development with a village's confines), form an objective view of landscape character, the avoidance of coalescence of settlements, delineate the Green Corridor and its future potential extensions, and reflect the Inspectorate's understanding of the impact of the Stodmarsh issue for nutrient neutrality consideration.
- 6.2 Discussion took place regarding the difficulty of representing any potential extensions of protected countryside areas on maps. It was suggested a system of zoning similar to flood risk areas could be considered to define these areas more clearly.
- 6.3 A Member commented that parishes had concerns that the matter of connectivity between protected areas via wildlife corridors was being overlooked. The Spatial Planning Manager acknowledged that biodiversity net gain was increasing in prominence in the planning system; other trends such as the diversification of the farming industry may bring additional benefits and address the missing linkage.

Resolved:

The Local Plan & Policy Task Group:

- (i) Noted the contents of the report, and**
- (ii) Agreed to a future Appeals Review report being prepared for discussion at the Local Plan & Planning Policy Task Group, approximately every 6 months.**

7. Charing Neighbourhood Plan update

- 7.1 The CNP had been in preparation since 2016 and senior Planning Officers had spent a considerable amount of time offering advice. Whilst most of that advice had been taken into account, several key comments had not. It had therefore been considered necessary to bring those to the attention of the Examiner.
- 7.2 The Plan had now been submitted to the Examiner. The Plan had not been brought back to LPPPTG beforehand, due to time constraints. It was noted that the Ward Members had been made aware of the situation, although there had been an oversight in respect of the Member for Charing Heath Ward, which also adjoins the CNP area.

Resolved:

The Local Plan and Planning Policy Task Group noted the contents of this report, the letter to the CNPSG and Examiner attached at Appendix 1, and copies of all historic communications in response to previous versions of the Plan.

8. Member Tracker

8.1 The Chairman asked for the issue of producing a local list of Heritage Assets to be added to the Tracker.

8.2 The Chairman asked for further clarification of the green buffer zones, for strength and definition, to be added to the Tracker. It was acknowledged this might be influenced by the findings of the Land Mapping Commission in their report due in December 2022.

9. Date of Next Meeting.

The next meeting had been arranged for 4 November 2022, at 10am, via Teams.

Ashford Borough Council

Report of the Chairman of the Member Training Panel – 18th October 2022

1 Introduction

- 1.1 A virtual meeting of the Member Training Panel was held on the 18th October 2022

The Members present were:-

Councillor Pickering (Chairman);
Councillor Mrs Bell (Vice-Chair);

Councillors Blanford, Howard, Pauley, Spain, Wright.

Apologies: -

Councillor Smith.

Also Present:-

Member Services Manager, Senior Member Services Officer, Member Services Officer.

2 Minutes

- 2.1 **Resolved:**

That the Minutes of the Meeting of this Panel held on 23 February 2022 be received and noted.

3 Member Induction Programme 2023

- 3.1 The Senior Member Services Officer ran through the draft Member Induction Programme 2023. This had been formulated following feedback from the Panel and a recent survey to Members on the previous induction programme. The previous programme had been well received and it felt prudent to follow a similar theme for 2023. Officers from the Member Services Team would be present at the Count to meet successful candidates, complete their Declaration of Acceptance of Office and issue any immediate forms for completion, in addition to booking an appointment for the following week to collect the necessary IT equipment. The training sessions would then follow, starting with Code of Conduct training, which as with previous induction programmes would be opened up to representatives from Parish Councils. Additionally, the Market Stalls event would take place to highlight the different departments that formed the Council and the work undertaken by them. There were a number of other training/information sessions that would be scheduled in, including a focus on the Council's arms length companies, Ward Member Community Grants and equalities training.

3.2 The Chairman opened the item up to the Panel and the following points were made: -

- Basic IT training, including how to use TEAMS would be beneficial to Members. It was agreed that this would be factored into the Induction Programme.
- Guidance for Members on how to ask questions at Council, put forward motions and general etiquette would be welcomed. The Senior Member Services Officer confirmed that this was already in hand, and acknowledged that this would be valuable to new and returning Members alike.
- The quality of the training sessions that had been undertaken throughout the year was discussed in great detail. Members felt that a recent Officer led training session had resulted in 'death by PowerPoint' and it was felt this should be avoided again in future. Officers undertook to raise this matter with the Council's HR Team to ascertain what training was offered to Officers to support them in training others. Further, following discussions with the Chair of the Member Training Panel it had been agreed to have sight of any such training sessions before them being given to Members to alleviate such issues occurring again. **Post Meeting Note: It has been confirmed that presentation skills training was offered by the Council.**
- Aside from the main induction programme, Members questioned the offer to those Members elected at a by-election. The Senior Member Services Officer advised that the offer over the last term had been impacted, in no small part, by Covid. It had been encouraging to note that many providers were now able to run online courses, and they had successfully trained a number of Members this way. Further work was needed to ensure that Members elected at a by-election were not disadvantaged and the Senior Member Services Officer undertook to formalise and strengthen this offer.

3.3 Resolved:

- (i) That Members Induction Programme 2023 be endorsed and presented to Management Tea, for oversight, and Cabinet, for approval.**
- (ii) An Induction Programme for Members elected through By-Elections be formalised.**

4 Members IT Provision – Post May 2023

4.1 The Senior Member Services Officer introduced the item and advised that since the 2019 election, many things had changed and therefore it was only right that the IT provision for Members was adjusted accordingly. iPads had been beneficial with the move to Modern.Gov and paperless agendas, however the move to virtual and hybrid meetings had highlighted some weaknesses. It was therefore proposed that from May 2023 that Members be issued with Windows laptops. The move to Windows would allow for greater functionality and support from the Council's IT Team and wider Officer group. She highlighted the devices that were proposed, which could be used as both a laptop and tablet depending on the desire of the user.

4.2 Members welcomed the move to Windows and it was acknowledged that some Members had struggled with iPads and there was limited support available to them. It was questioned how the process of 'onboarding' Members to the new devices would work and what would happen to the iPads currently in circulation. The Senior Member Services Officer advised that they would hold sessions the week after the election to hand over IT equipment and get Members set up with their necessary passwords and access. Following from the previous item, they would also look to run additional sessions for those Members who required additional support, this would continue for as long as necessary. In respect of the iPads, in previous years IT equipment had been required to be returned to the Council for secure disposal and removal of data. The Senior Member Services Officer would liaise with the relevant Officers and report back to the Member Training Panel in the new year, with a guide to be issued to all Members prior to the May 2023 election.

4.4 Resolved:

That the move to Windows laptops be endorsed.

Councillor A Pickering
Chairman – Member Training Panel

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Agenda Item No: 20

Report To: CABINET

Date: 24TH NOVEMBER 2022

Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN

Report Author and Job Title: Danny Sheppard, Member Services Manager

Portfolio Holder: Portfolio Holders are individually specified in the attached Schedule.



Summary:	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
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Key Decision: NO

Significantly Affected Wards: Where appropriate, individual Wards are indicated.

Recommendations **That the Cabinet receive and note the latest Schedule of Key Decisions.**

Policy Overview: Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

Financial Implications: Nil

Legal Implications: n/a

Equalities Impact Assessment n/a

Other Material Implications: Nil

Exempt from publication: No

Background Papers: None

Contacts danny.sheppard@ashford.gov.uk – Tel: 01233 330349

**CABINET
SCHEDULE OF KEY DECISIONS TO BE TAKEN**

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Paul Bartlett; Neil Bell; Andrew Buchanan; Peter Feacey; Matthew Forest; Nathan Iliffe; Alan Pickering; and Neil Shorter.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at <https://ashford.moderngov.co.uk>

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Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
24th November 2022					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Feacey	Tom Swain	Open	29/11/21
Data Protection Policy	<i>To review the Council's Data Protection Policy Suite to ensure it remains relevant and fit for purpose, with amends made to reflect any changes to the legislative data protection landscape and any best practice guidance issued by the supervisory authority (ICO) since the policy was last reviewed.</i>	Cllr Feacey	Tom Swain	Open	30/6/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Draft Budget 2023/24	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.</i>	Cllr Shorter	Lee Foreman	Open	29/11/21
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Lee Foreman	Open	29/11/21
Right to Buy Lease Extensions	<i>To set out the basis for introducing a non-statutory route to simplify the lease extension process and to set out the proposal to provide each Right to Buy applicant a lease of 125 years.</i>	Cllr Buchanan	Hazel Tillman	Open	14/9/22
Ashford Town Centre Reset – Phase One Actions	<i>To set out the results of the Town Centre Reset Project Handbook and seek endorsement of the four key intervention areas. The report will also set out an Action Plan for the Town Centre over the next few years and propose specific new interventions within the Town Centre.</i>	Cllr Iliffe	Andrew Osborne	Open	11/4/22
Port Health Service	<i>To propose a new staffing structure, outlining the resulting impact on staff, including redundancies and redeployments etc. It also will detail the consultation process and feedback from staff and the proposed timescales for implementation and the costs associated with the changes.</i>	Cllr Bartlett	Michelle Pecci/ Anthony Baldock	Open (Exempt Appendix)	26/9/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Residents Survey Results	<i>To outline the results of a recent online survey to gather data relating to residents' broad opinion of Council services and engagement as well as their local area.</i>	Cllr Feacey	Charlotte Hammersley/Will Race	Open	26/9/22
Pre-Application Advice – Revised Service and Charging Structure	<i>To set out the conclusions of a review and request approval for the scale and scope of pre-application charging, including criteria for seeking Planning Performance Agreements (PPAs) and establishing deliverable service response targets.</i>	Cllr Bell	Karen Fossett	Open	24/8/22
15th December 2022					
Housing Revenue Account (HRA) Business Plan 2022-2052 (including Financing and Affordable Homes Programme)	<i>To detail the financial position in the HRA and ask Members to agree Housing's priorities for the next year.</i>	Cllr Buchanan	Sharon Williams/Mark James	Open (Exempt Appendix)	20/12/21
New Waste Contract	<i>To update on the procurement process of the next Mid-Kent waste collection from March 2024 and cleansing contract and seek approval for award of contract to the successful bidder.</i>	Cllr Forest	Tracey Butler	Open	5/1/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Climate Change Guidance for Planning	<i>To introduce a proposal to publish guidance on this issue. Once produced the guidance will be a material consideration applied to planning decisions.</i>	Cllr Bell	Clare Marchant	Open	20/10/22
Private Sector Housing Strategy	<i>To set out an action plan on how Private Sector Housing intends to improve standards, tackle rogue landlords, help increase the independence of disabled people through the disabled facilities grants scheme, reduce fuel poverty and improve energy efficiency of homes.</i>	Cllr Buchanan	Julian Watts	Open	20/10/22
Disabled Adaptations Review		Cllr Buchanan	Sharon Williams	Open	24/10/22
Social Value Policy		Cllr Shorter	Aymi Laws	Open	16/11/22
26th January 2023					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	29/1/22
Brompton Development	<i>To update of the progress of the discussions with both Brompton and the Developer in bringing forward the proposed development including the setting up a of joint venture company.</i>	Cllr Iliffe	Paul McKenner	Open	28/7/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Bockhanger Update		Cllr Buchanan	Sharon Williams	Open	3/11/22
Achieving Nutrient Neutrality Supplementary Planning Document (SPD)	<i>To seek approval of the draft Supplementary Planning Document for public consultation. The Supplementary Planning Document (SPD) will set out guidance on the nutrient neutrality process, including what information developers should submit with planning applications and details of the Council's strategic mitigation to address the Stodmarsh nutrient neutrality requirement.</i>	Cllr Bell	Daniel Carter/ Harriet Turner	Open	11/11/22
23rd February 2023					
Revenue Budget 2023/24	<i>To present the draft revenue budget for 2023/24 to the Cabinet for recommendation to Council.</i>	Cllr Shorter	Lee Foreman	Open	28/2/22
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Lee Foreman	Open	28/2/22
Corporate Performance Report	<i>The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Feacey	Tom Swain	Open	28/2/22
Infrastructure Funding Statement		Cllr Bell	Daniel Carter	Open	20/12/21

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
30th March 2023					
Annual Pay Policy Statement (including Review for 2023/24)	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance.</i>	Cllr Pickering	Michelle Pecci/ Joy Cross	Open	1/4/22
Covert Surveillance Report		Cllr Clarkson	Samantha Clarke	Open	11/4/22
27th April 2023					
May 2023					
NO MEETING DUE TO BOROUGH COUNCIL ELECTIONS					
25th June 2023					
Corporate Plan Annual Report 2022/23	<i>To present the Annual Report 2022/23 highlighting performance against the Corporate Plan priorities.</i>	Cllr Clarkson/ Feacey	Tom Swain	Open	4/7/22
Final Outturn 2022/23	<i>Final budget outturn for previous financial year.</i>	Cllr Shorter	Lee Foreman	Open	4/7/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Food Services Plan 2022/23	<i>To review the Council's Food Policy for delivering the Official Food Controls and to consider how they safeguard the public and support businesses To approve the plan in accordance with requirements set out in the Food Law Code of Practice.</i>	Cllr Bartlett	Linda Golightly	Open	21/2/22
27th July 2023					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	30/7/21
31st August 2023					
KEEP CLEAR FOR HOLIDAYS					
28th September 2023					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Lee Foreman	Open	30/9/22
Corporate Performance Report	<i>The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Feacey	Tom Swain	Open	30/9/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Broadband and Digital Infrastructure Update	<i>To update on projects and initiatives to improve broadband in the Borough and outline the work that the team suggests can take place in the coming year.</i>	Cllr Bell	Thomas Jenkins	Open	30/9/22
26th October 2023					
Medium Term Financial Plan	<i>To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.</i>	Cllr Shorter	Lee Foreman	Open	28/10/22
Corporate Commercial Property Strategy – Annual Report	<i>To advise of the revenue performance of the Council's corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.</i>	Cllr Forest	Eloise Duffy	Open	28/10/22

If you wish to contact a Report Author by email, unless stated otherwise, the addresses are; first name.surname@ashford.gov.uk

16/11/22

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of the Local Government Act 1972.

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