



## CABINET

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on **Thursday, 30th March, 2023 at 7.00 pm.**

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The Members of the Cabinet are:-

Councillor Clarkson – Leader of the Council  
Councillor Bartlett – Deputy Leader and Portfolio Holder for Safety and Wellbeing  
Councillor Barrett – Portfolio Holder for Housing  
Councillor Bell – Portfolio Holder for Planning and Development  
Councillor Buchanan – Portfolio Holder for Climate Change  
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)**

### Agenda

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1. **Apologies**

2. **Declarations of Interest**

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

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

See Agenda Item 2 for further details

3. **Minutes**

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To approve the Minutes of the Meeting of the Cabinet held on the 23<sup>rd</sup> February 2023.

4. **To Receive any Petitions**

- |     |   |           |
|-----|---|-----------|
| 5.  | <b>Leader's Announcements</b>   |           |
| 6.  | <b>Annual Pay Policy Statement (including Review for 2023/24)</b>   | 13 - 24   |
| 7.  | <b>Update on the Council's strategic nutrient mitigation and proposed pathway for Nutrient Neutrality Supplementary Planning Document</b> | 25 - 38   |
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| 11. | <b>Joint Transportation Board - Minutes of 7th March 2023</b>   | 95 - 100  |
|     | To receive and note.  |           |
| 12. | <b>Climate Change Advisory Committee - Notes of 2nd February 2023</b>   | 101 - 104 |
|     | To receive and note.  |           |
| 13. | <b>IT and Digital Transformation Advisory Committee - Notes of 31st January 2023</b>  | 105 - 108 |
|     | To receive and note.  |           |
| 14. | <b>Local Plan and Planning Policy Task Group - Notes of 3rd February 2023</b>   | 109 - 120 |
|     | To receive and note.  |           |
| 15. | <b>Schedule of Key Decisions</b>  |           |
| 16. | <b>Items for Future Meetings</b>  |           |

22 March 2023

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

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

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

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

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

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

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

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

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

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

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

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

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## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **23<sup>rd</sup> February 2023**.

### Present:

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

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

### Apologies:

Cllr. Burgess.

### Also Present:

Cllrs. Campkin, Harman, Ovenden, Sparks, Wright.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Customer, Technology and Finance, Director of Health and Wellbeing, Assistant Director - Housing, Assistant Director – Planning and Development, Head of Policy and Performance, Service Lead – Finance, Principal Solicitor – Strategic Development, Senior Accountant, Web and Communications Assistant, Member Services Manager.

## 307 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as Chairman of the Ashford International Development Company.	310, 311

## 308 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 15<sup>th</sup> December 2022 be approved and confirmed as a correct record.**

## **309 Report of the Overview and Scrutiny Planning IT Delivery Task Group**

The Chairman of the Overview and Scrutiny Committee introduced the report which advised that the Committee had formed a Task Group to review the lessons learnt during the project to deliver the new Planning IT System with Arcus Global. The Task Group also wanted to ensure that where issues had been experienced, they were not repeated for future transformation projects. He thanked everyone involved for contributing to a worthwhile and eye opening project.

The Leader said he welcomed the report and thanked the Members and Officers involved in a good piece of work. He proposed an addition to recommendation (vii) whereby the Leader and the Cabinet as a whole be kept informed of project updates for key projects on a regular basis, rather than just the specific Portfolio Holder. This was agreed.

### **Resolved:**

- That**
- (i) projects of a certain size or importance require a professional project manager and this role should not be in addition to normal duties.**
  - (ii) unnecessary and historic data should not be transferred to new systems and any data migration should be considered during the early stages of a project. A data retention policy should be agreed and adopted for implementation in the project.**
  - (iii) internal and external user testing should be thoroughly scoped, agreed through Project Management Group (PMG) and carried out for any future system implementation or upgrade.**
  - (iv) detailed scoping of Officers' time should take place when considering project resources.**
  - (v) consultation with external customers should take place at the outset of a project to inform its delivery.**
  - (vi) PMG should determine the governance arrangements of future project, including frequency of highlight reports setting out key risks and challenges.**
  - (vii) Portfolio Holders, the Leader and the Cabinet as a whole, should be kept informed of project updates for key projects on a regular basis, which is defined from the outset of a project.**
  - (viii) system rollouts should foremost be designed to improve the customer experience and processes need to be mapped with this in mind.**

## **310 Report of the Overview and Scrutiny Budget Scrutiny Task Group**

The Chairman of the Overview and Scrutiny Committee introduced the report and advised that their Budget Task Group had scrutinised the Council's draft 2023/24 budget over four meetings. The Task Group had made six recommendations for the Cabinet to consider when making its final budget proposals to recommend to Council. The Overview and Scrutiny Committee had made a further four recommendations to Cabinet at their Meeting on 14<sup>th</sup> February 2023.

He advised that the Task Group had spent four meetings scrutinising the draft budget based on the information presented to it. Six worthy recommendations had been made and it was fully understood that the budget for this year was being supported by a reserve set up precisely for this purpose. He had therefore been extremely angry and disappointed to be presented with revised budget proposals at a late stage, immediately prior to the Overview and Scrutiny Committee meeting on the 14<sup>th</sup> February related to the Council Tax. With regard to the proposal to reduce the increase in Council Tax, he believed some Members were acting in their own interests rather than those of the wider Borough. The budget had been built on a £5 increase to Band D Council Tax, but the Administration had subsequently reduced the recommended increase to £3.75. This equated to less than 3 pence per household per week which he believed would make little or no difference to anyone, including those struggling, however the cumulative effect for the Council, year on year would be significant. There were already provisions in place for those who were struggling exceptionally, (Appendix L to the draft budget referred), and he believed the Council should take the full £5 increase and do something good with the extra money. It could perhaps be ring-fenced to further assist those struggling with the cost of living, or put to community use. Over the next five years such an increase could equate to around £375k which the Council would never get back, and much good could be done for the community with that money. In his view, the reward for good budget management should be extra things above and beyond the basic services the Council provided. He said the view that it was right to take the maximum possible increase had been taken on behalf of the people of Ashford and he urged the Cabinet to re-consider this position as per Recommendation (viii) of their report.

The Leader thanked the Chairman of Overview and Scrutiny for his comments and their report. He said budget setting was always a complicated process with a number of facets. He reminded Members of the strategy of this Council to become more entrepreneurial and self-sufficient in the face of reducing Government grants and to generate its own income. This strategy had been largely successful but had been hampered slightly by factors outside of their control (including Brexit, Stodmarsh, Covid-19 and the Sevington Border Facility). With regard to the late amendments to the draft budget, it was important to note that there was a compressed timetable to work within. Government announcements on issues such as grants and New Homes Bonus had come during this period and provided unexpected windfalls. As the Administrative party, the Group had undertaken an open vote on the Council Tax increase and the majority view had been to support a £3.75 increase bearing in mind the economic and cost of living circumstances that residents faced. Treasury Management under this Administration had always been sound. They had been

quick to set up an additional Economic Growth and Risk Fund, following the outcome of the Brexit vote in 2016 and this had served the Council well. They also had a good track history of delivering balanced budgets. The Leader said that this budget would not affect the level of services provided by this Council, which would continue to be better than most Councils in the country.

The Portfolio Holder for Planning and Development advised that between the submission of the draft budget at the end of November and now, there had been significant movement including the receipt of additional New Homes Bonus, Government grant and additional income from the Ashford International Development Company. This had resulted in a windfall of some £1.2m. The Administrative Group had considered it was only right to pass on some of that windfall to relieve the pressure on the Council tax payer. For context the difference was approximately £61k or 5% of the overall windfall. He also contended the wording of Recommendation (viii) which referred to 'Government recommended levels' of Council Tax increase. The Chairman of Overview and Scrutiny accepted this should refer to the "maximum level allowed by Government before a referendum".

**Resolved:**

**That the recommendations from the Overview and Scrutiny Committee and its Budget Scrutiny Task Group be received and noted.**

## **311 Budget 2023/24**

The report presented the final Draft 2023/24 Budget which would be recommended to the Full Council for approval. The paper provided updates from the draft budget presented in November, including funding announcements. The draft budget had forecast a deficit of £2.87m which was to be funded from the Economic Growth and Risk Fund, however there had been a number of movements since then which had reduced the deficit by £1.36m to £1.51m.

The Portfolio Holder introduced the report and directed Members' attention to the tabled paper which included five responses that had been received during the public consultation along with the Council's own responses. He thanked those who had engaged with the process and had provided good quality responses/questions and hoped that more would take that opportunity in the future.

He said that whilst a lot of what he had wanted to say had been covered in the last item, it was right to focus on the primary movements since the draft budget had been presented. These had resulted from the change in Government funding with an additional £526k of New Homes Bonus received and an additional £188,060 for the 3% Funding Guarantee Grant that had been introduced. There had also been £200k of immediately deliverable savings identified and £500k increase in interest receipts from Ashford International Development Company as the Council looked to deliver significant savings to balance the budget going forward. As previously discussed, there was also a growth item of £61,140 relating to the proposal to cut the Council Tax increase of £5 to £3.75 per annum. This would maintain Ashford's position as having the lowest Band D Council Tax in Kent at £181.25 per annum. He said that funding the 2023/24 deficit from reserves was a short term strategy and the Council

and Management Team had developed a savings plan of £1.42m to close the year's budget gap and to reduce the draw on reserves. These savings would be presented to the Overview and Scrutiny Budget Task Group for consideration. He concluded by again thanking the Officers involved for all their hard work in pulling this budget together. He had mentioned back in November that this year's budget would have to be built against a background of unprecedented uncertainty and that had been proven correct.

The Portfolio Holder for Planning and Development said he wanted to draw further attention to the Council's clear Council Tax Strategy – ABC gave great value – great services with the lowest Council Tax in Kent. It was sound, disciplined and easy for the public to understand. This had not happened by accident and had been driven by this Administration.

**Resolved:**

- That**
- (i) the budget context be noted.**
  - (ii) the Chief Finance Officer be delegated powers to establish local discounts in Business Rates in accordance with Government policy.**
  - (iii) the summary of reserves at Table 6 and Appendix C of the report be noted.**
  - (iv) the Equality Impact Assessment in Appendix E to the report be noted.**
  - (v) the proposed savings schedule attached at Appendix O to the report be supported and presented to the Overview and Scrutiny Budget Task Group for consideration.**
  - (vi) the Housing Revenue Account budget for 2023/24 be approved.**
  - (vii) the rent increase of 7%, in accordance with Government guidelines, be agreed, and that rent setting for the future continues to follow Government guidelines.**
  - (viii) the Capital Plan 2023/24 to 2025/26 in Appendix G to the report be approved.**
  - (ix) the ABC Exceptional Circumstances Policy as outlined in Appendix L to the report be approved.**
  - (x) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves, at Appendix M to the report, be noted.**

**Recommended:**

- That**
- (i) the Revenue Budget 2023/24, including the net budget requirement of £18,642,710 (excluding parish precepts), be agreed.**
  - (ii) the level of Discretionary and Statutory Fees to be levied from 1st April 2023 (as set out in Appendix D to the report) be agreed.**
  - (iii) the Band D council tax at £181.25 be agreed.**
  - (iv) the 2023/24 Capital Strategy at Appendix H to the report be approved.**
  - (v) the MRP Policy as set out in Appendix I to the report, the Treasury Management Strategy Statement at Appendix J to the report, and the Investment Strategy at Appendix K to the report be approved.**

## **312 Financial Monitoring – Quarter 3 Report**

The Portfolio Holder introduced the report which presented the Quarter 3 budget monitoring position up to 31<sup>st</sup> December 2022. The Quarter 3 forecast showed an improved position with a calming of the economic outlook. There had been a reduction in the deficit since Quarter 2 of £642k, making a revised year end forecast deficit of £1.4m. A full break down of movements since Quarter 2 was shown in the report. The Housing Revenue Account (HRA) was reporting a total underspend in operational activity in year of £373k (compared with £489k at Quarter 2). There was a further reduction of £1.5m within the HRA capital programme due to staff shortages.

**Resolved:**

- That**
- (i) the Quarter 3 forecast position for the General Fund and Housing Revenue Account be noted.**
  - (ii) the Collection Fund Position be noted.**
  - (iii) the Treasury Management position be noted.**
  - (iv) the provisional reserve allocations, as highlighted at Table 6 of the report, be noted.**
  - (v) the update of the ANPR installation project, as highlighted at Appendix B to the report, be noted.**
  - (vi) the Assistant Director and Portfolio Holder for Safety and Wellbeing be delegated authority to progress with ANPR installation into other suitable car parks, utilising the capital funding that was agreed in 2019.**

### **313 Corporate Performance Report – Quarter 3**

The Portfolio Holder introduced the report which summarised performance against the Council's update suite of Key Performance Indicators, reflecting the Corporate Plan 2022-24, for the Quarter 3 period 2022/23.

**Resolved:**

**That the performance data for Quarter 3 2022/23 be received and noted.**

### **314 Local Development Scheme Update (2023)**

The report advised that National Planning Policy stated that Local Plans should be reviewed at least once every five years to determine whether policy revisions were needed to keep them up-to-date and/or whether new policies were required. The appended Local Development Scheme (LDS) set out the pathway that the Council intended to follow in terms of carrying out its review of the Ashford Local Plan 2030 by the summer of 2023, and the subsequent drafting of a new Local Plan thereafter.

**Recommended:**

**That the Local Development Scheme 2023 be adopted by Full Council, as required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), to have effect from the day following the Full Council meeting.**

### **315 Revenues and Benefits Recommended Write-Offs Schedule**

The Portfolio Holder introduced the report which proposed the formal write off of £163,998.82. The proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy. The Deputy Chief Executive (Section 151 Officer) had been consulted, along with Head of Service for relevant areas. He thanked Officers for their continued diligence in pursuing such debts.

**Resolved:**

- That**
- (i) the action that accounts totalling £19,639.89 have been written off under delegated powers be noted (Financial Regulations 11.1 refers).**
  - (ii) the write-offs listed in the Exempt Appendices to the report totalling £144,358.93 be approved.**

### **316 Joint Transportation Board – Minutes of 6<sup>th</sup> December 2022**

**Resolved:**

**That the Minutes of the Meeting of the Joint Transportation Board held on the 6<sup>th</sup> December 2022 be received and noted.**

### **317 Trading and Enterprise Board – Minutes of 31<sup>st</sup> January 2023**

**Resolved:**

**That the Minutes of the Meeting of the Trading and Enterprise Board held on the 31<sup>st</sup> January 2023 be received and noted.**

### **318 Civic and Ceremonial Programme Board – Notes of 25<sup>th</sup> January 2023**

**Resolved:**

**That the Notes of the Meeting of the Civic and Ceremonial Programme Board held on the 25<sup>th</sup> January 2023 be received and noted.**

### **319 Compliance and Enforcement Board – Notes of 24<sup>th</sup> January 2023**

**Resolved:**

**That the Notes of the Meeting of the Compliance and Enforcement Board held on the 24<sup>th</sup> January 2023 be received and noted.**

### **320 Climate Change Advisory Committee – Notes of 25<sup>th</sup> January 2023**

**Resolved:**

**That the Notes of the Meeting of the Climate Change Advisory Committee held on the 25<sup>th</sup> January 2023 be received and noted.**



### **321 Local Plan and Planning Policy Task Group – Notes of 16<sup>th</sup> December 2022**

**Resolved:**

**That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 16<sup>th</sup> December 2022 be received and noted.**

### **322 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.**

### **323 Economic Regeneration and Investment Board – Notes of 14<sup>th</sup> December 2022**

**Resolved:**

**That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 14<sup>th</sup> December 2022 be received and noted.**

### **324 Regeneration, Infrastructure and Improvement Co-ordination Board – Notes of 20<sup>th</sup> January 2023**

**Resolved:**

**That the Notes of the Meeting of the Regeneration, Infrastructure and Improvement Co-ordination Board held on the 20<sup>th</sup> January 2023 be approved and adopted.**

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ASHFORD  
BOROUGH COUNCIL

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 30 March 2023

**Report Title:** Pay Policy Statement- Annual Review

**Report Author &** Joy Cross

**Job Title:** HR Manager

**Portfolio Holder** Cllr. Pickering- HR & Customer Services

**Portfolio Holder for:**

**Summary:**

The Localism Act 2011 requires the Council to publish an Annual Pay Policy Statement; this report will review the current Pay Policy statement, ensuring it is up to date and reflects the Council's approach to pay.

The Council also takes this annual review as an opportunity to review the Ashford Apprentice Wage Allowance (AAWA). This report therefore updates the position in relation to Apprentice pay for 2023/24.

**Key Decision:** YES

**Significantly  
Affected Wards:** None

**Recommendations:** That Cabinet:

- I. Note that Council is asked to approve the updated Pay Policy Statement.
- II. Approve the continuation of the Ashford Apprentice Wage Allowance at a rate of 20 pence per hour over the National Minimum Wage rate applicable to the age of the apprentice.

**Policy Overview:** Sections 38 to 43 of the Localism Act 2011 require local government bodies to prepare a pay policy statement. These statements must articulate an authority's own policies towards a range of issues relating to the pay of its workforce, particularly senior staff and its lowest paid employees.

**Financial  
Implications:** No additional financial impact is proposed.

**Legal Implications** The Council is required to review and publish its Pay Policy Statement on an annual basis.

**Equalities Impact  
Assessment** The application of the Pay Policy will not result in any detrimental impact on any particular group of staff.

<b>Other Material Implications:</b>	n/a
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	n/a
<b>Contact:</b>	joy.cross@ashford.gov.uk – Tel: (01233) 330 400

## **Report Title: Pay Policy Statement- Annual Review**

### **Pay Policy Statement: Introduction & Background**

1. The pay policy statement must be reviewed and approved each year by Full Council.
2. There are a number of statutory requirements relating to pay accountability in the Localism Act that need to be taken into account as well as a catch-all within the Act that states that members must have regard to any guidance issued or approved by the Secretary of State.
3. The statement encompasses both the statutory requirements as well as the 'broader' elements of guidance.
4. Pay policy statements may be amended during the course of a financial year to reflect changes or developments in an authority's pay policy. However, section 39(5) of the Act requires that amendments can only be made by resolution of the full Council, or a meeting of members, and that any amended statement must be published as soon as is reasonably practicable.
5. We are required to publish the ratio between the highest paid and the median salary figure. The ratio is currently 4.42:1 this is within our stated position of maintaining a pay multiple of 5 or less (paragraph 12 of the proposed pay policy statement attached).
6. There are no material changes to the Pay Policy Statement.

### **National Living Wage**

7. The Council is committed to ensure that the salaries of our employees can sustain families and individuals as well as underpinning a thriving local economy.
8. In the 2016 the Government introduced a statutory National Living Wage (NLW) rate that aims to raise living standards amongst the lowest paid. This year the statutory National Living Wage rate rose by 9.68% from £9.50 per hour to £10.42 per hour.
9. The Government set a target for NLW to reach two thirds of median pay by 2024, taking into account economic conditions.<sup>1</sup> In their January report, The Low Pay Commission (LPC) reported that median earnings will be over £16.62 by October 2024 which will mean that the NLW will need to rise to £11.08 in April 2024 to reach Government's two-thirds target.
10. Last year there was a review of some pay scales towards the lower end of the overall scale. This review alleviated the impact of grade compression and enhanced the contractual pay for our lower paid staff. In light of the improved

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<sup>1</sup> National Minimum Wage Low Pay Commission Report 2022 – January 2023

position for our staff it was no longer necessary to continue with the Ashford Living Wage Allowance, which had previously existed.

11. The following table shows the current 23/24 pay scales and highlights the difference between the 2023/24 NLW and our current hourly rates.

NLW	£10.42
SCP 12	£11.14
SCP 13	£11.19
SCP 14	£11.24
SCP 15	£11.30
SCP 16	£11.46
SCP 17	£11.57
SCP 18	£11.67
SCP 19	£11.78

## Ashford Apprentice Wage Allowance

12. Apprentices are engaged by employers to gain practical training in a job combined with study. The status of their employment is reflected by the fact that the National Living Wage rate is not applicable to them in the first year of their apprenticeship.
13. The Low Pay Commission reported that young people occupy a vulnerable place in the labour market and are likely to be hit harder by an economic downturn<sup>2</sup>.
14. The 2023 National Minimum Wage rate for apprentices aged 16 to 18 and those aged 19 or over who are in their first year is £5.28 per hour. All other apprentices are entitled to the statutory National Living Wage rates as applicable to their age.
15. Our Ashford Apprentice Wage Allowance AAWA aims to provide our apprentices with a pay rate that is “better” than the statutory NLW rate applicable to the age of the apprentice and irrespective of whether the apprentice is in their first year.
16. The Council’s stated commitment in respect of pay rate for apprentices is:
- “The council is committed to making apprenticeships accessible to all by paying a rate applicable to the apprentice’s age that aims to be better than the respective statutory National Living Wage rates.”***
17. The current AAWA is 20 pence per hour above the respective NLW rates. No changes are proposed to the AAWA.
18. We currently employ 11 individuals who are completing an Apprenticeship; some of whom are completing a higher apprenticeship, i.e. a level 7 apprenticeship for Planning Graduates, and are appointed to roles at a higher grade.

## Summary

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<sup>2</sup> National Minimum Wage Low Pay Commission Report 2022 – January 2023

19. For ease of reference the following table details the different pay rates referred to earlier in this report :

## Implications and Risk Assessment

		National minimum rates from April 2022	Proposed Ashford rates for 2022/23	National minimum rates from April 2023	Proposed Ashford rates for 2023/24
National Living Wage rate	Aged 23+	£9.50	-	£10.42	-
National Apprentice rate	Aged 23+	£9.50	(+20p) £9.50	£10.42	(+20p) £10.62
	21-22	£9.18	(+20p) £9.38	£10.18	(+20p) £10.38
	18-20	£6.83	(+20p) £7.03	£7.49	(+20p) £7.69
	Under 18	£4.81	(+20p) £5.01	£5.28	(+20p) £5.48

20. Reviewing and publishing the Pay Policy Statement will ensure that we are compliant with the requirements of the Localism Act 2011.
21. The economy is currently very uncertain and should the NLW rise sharply in the future we may need to revisit our approach to the AAWA.

## Equalities Impact Assessment

22. The AAWA benefits the lowest paid groups of staff within the Council regardless of any protected characteristic. The Council's Pay Policy ensures that our staff are remunerated appropriately, equitably and legally.

## Consultation Planned or Undertaken

23. This report together with the proposed pay policy statement have been considered at the Joint Consultative Committee on 09 March 2023; where the report was received and noted. Minutes of the committee are available for Cabinet's reference if required.

## Other Options Considered and Reasons for Supporting Option Recommended

24. Other options included withdrawing the AAWA but this was not thought to be consistent with the Council's desire to show its commitment to its lowest paid staff and support youth employment in the borough.

## Next Steps in Process

25. Once approved by Council the 2023/24 Pay Policy Statement will be published on the transparency section of the Ashford Borough Council website.

## **Conclusion**

26. The pay policy statement reflects our current approach to pay and satisfies the requirements of the Localism Act.
27. The Ashford Apprentice Wage Allowance provides a very positive statement that the Council is committed to making apprenticeships accessible to all and encourages its local people to gain worthwhile careers by paying a rate that is comparable with entering any other form of employment; which in turn will benefit the local economy.

## **Portfolio Holder's Views**

28. Ashford Borough Council intends to maintain its position as an employer with good employment practices that rewards our staff based on systems to maintain fairness at all times. We are conscious of the need to ensure that Apprenticeships are accessible to all.

Cllr Pickering

## **Contact and Email**

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01233 330400



# Ashford Borough Council

## Pay Policy Statement

### Financial Year 2022/23

#### Introduction

ABC is a large and diverse organisation providing a range of statutory and other services to a local community with a population of 132,700. It is responsible for managing a combined annual capital and revenue spend of £155 million.

To ensure the Council is effectively led and efficiently managed, it must be able to attract and retain a range of high calibre staff in a competitive job market. The value and composition of the remuneration package offered to senior staff is a key factor in enabling the Council to attract, recruit, motivate and retain staff with the skills sets required to deliver the Council's objectives and aspirations, which in turn have a significant impact on the lives of local residents.

Notwithstanding the statutory requirement to produce and publish this policy, the Council recognises the importance and benefits of applying a transparent policy to ensure that its staff are remunerated appropriately, equitably and legally.

#### Pay Policy

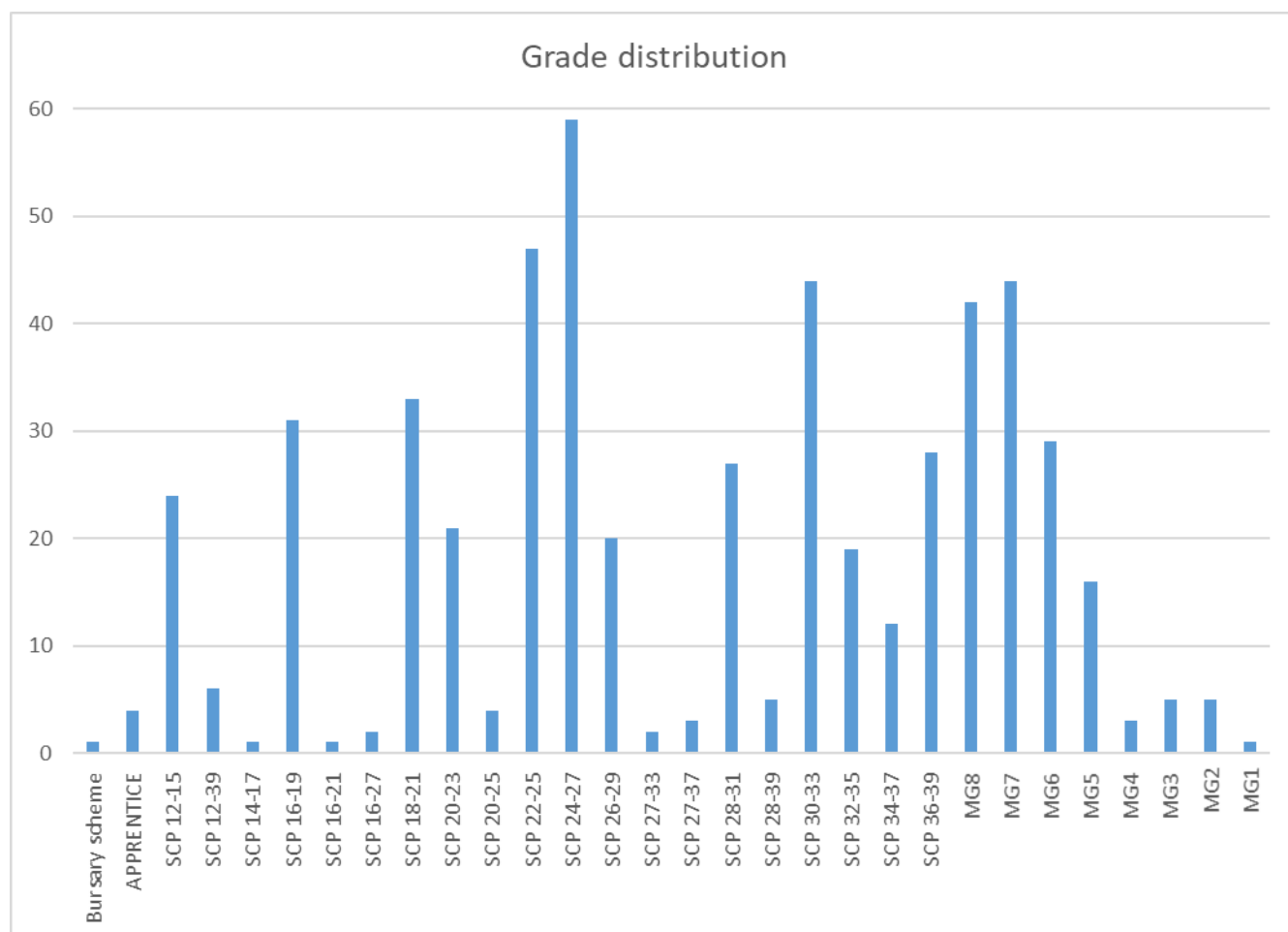
- 1 This policy statement is made in accordance with Section 38 (1) of the Localism Act 2011. The Act requires the authority to set out its policies for the financial year relating to:
  - (a) the remuneration of its chief officers,
  - (b) the remuneration of its lowest-paid employees and
  - (c) the relationship between:
    - i. the remuneration of its chief officers, and
    - ii. the remuneration of its employees who are not chief officers.
- 2 **Definitions:**
  - (a) The Definition of '**Chief Officer**' in the Localism Act reflects that in the Local Government and Housing Act 1989 and so is wide enough to include not only the Head of Paid Service, Monitoring Officer and other statutory and non-statutory Chief Officers but also those senior officers who report directly to them. It is not considered necessary to extend the scope of this definition due to any particular local circumstance or reward structure.
  - (b) A '**Lowest paid employee**' is an employee who is paid on the lowest pay grade used by the council. The definition does not include postholders engaged in apprenticeships or other job creation schemes.
- 3 The policy statement will be reviewed and approved annually by Members and published on the transparency section of the Ashford Borough Council website together with the pay data published in line with the code of recommended practice on data transparency. Data on pay for individuals employed under a

'contract for services' (opposed to contract of employment) can be found under the data on spend.

- 4 The Council's pay framework has been in place for many years and the grade for each role is determined by a job evaluation scheme developed by Inbucon Pay Consultants.
- 5 The basic grade of all officers is determined by job evaluation process. Pay and all other elements of the remuneration package for the Chief Executive (Head of Paid Service), Deputy Chief Executive, as well as other Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers are approved by Members as part of the recruitment process and other formal approval process such as restructuring reports. The remuneration packages for all other roles are approved by senior managers.
- 6 The incremental progression for all roles, including Chief Officer roles, are automatic unless there are formal concerns over capability.
- 7 Cost of living pay awards are considered on an annual basis and take account of market forces, economic climate measures of inflation and budgetary position. The Council is not subject to national pay bargaining. Pay awards are negotiated locally with UNISON and subject to approval by Members.
- 8 Apprentices are engaged to gain practical training in a job combined with study. The Council is committed to making apprenticeships accessible to all and aims to pay a rate that is better than the respective Statutory National Minimum Wage rates; the Ashford Apprentice Wage Allowance (AAWA) is currently set at 20 pence per hour higher than these rates. The AAWA is reviewed annually and applied to those employed by the Council on an apprenticeship.
- 9 Grades MG1 and MG2 have two additional discretionary incremental points that can be applied for recognition of performance, or as part of a retention package. These points are not automatically applied to all MG1 or MG2 roles, but if they are, they require confirmation from the officer's manager that there has been exceptional performance and the increment should be awarded.
- 10 The organisation's Returning Officer for elections receives election fees in addition to their regular salary. These fees are set by the Cabinet Office for national elections and referendums; or for borough and county elections through a countywide arrangement. The fees vary according to the election taking place. Any election fees paid during the year are included in the salary figure published in the Council's annual statement of accounts.
- 11 We are required to publish pay related information. This includes the Code of Recommended Practice for Local Authorities on Data Transparency requirements to publish a Pay Multiple and information on senior salaries. The Pay Multiple is the ratio between the highest paid salary and the median average salary of the whole authority's salaries.
- 12 The current ratio between the highest paid employee and the median earnings across the organisation is **4.42:1** (excluding Returning Officer fees as these are determined by the Cabinet Office, or through a countywide arrangement. The fees are only paid in the event of an election). The Council intends to maintain

a pay multiple of 5 or less i.e. the highest paid employee is paid no more than 5 times the median salary which is £30,474. The chart below shows the current dispersal of grades amongst the Council's employees.

- 13 Ashford pay grades are determined through job evaluation and reflect the breadth of impact the role has for example: the level and complexity of advice given by the post-holder as well as the decisions made, the qualifications required to carry out the role, the level of autonomy the post-holder has as well as the level of internal and external contacts routinely made by the post-holder.



- 14 Salary information for senior staff is published annually on the transparency section of the Council's website and total remuneration packages for Chief Officers are published in the Council's annual statement of accounts also available on the Council's website.
- 15 The Chief Executive and Deputy Chief Executive receive an annual mileage allowance to compensate for up to 3,000 work related miles travelled within Kent and are not allowed to submit mileage claims for the first 3,000 miles travelled in Kent.
- 16 Posts may attract a subsidised lease car or cash alternative. Entitlement is usually determined as part of the recruitment process and the entitlement is intended to assist the officer in carrying out their duties or, in some cases, as a recruitment tool.

- 17 All officers are entitled to be reimbursed for legitimate expenses incurred in the course of their duties. Limits are laid out in the conditions of service and all expense claims must be accompanied by receipts.
- 18 The Council does not have a performance related pay scheme or a bonus scheme. Managers do have the ability to make honorarium payments to any level officer in the following circumstances:
- Covering the full/partial duties of a more senior post (other than for annual leave)
  - Taking on additional duties/responsibilities for a limited period
  - Taking on additional responsibilities e.g. project work which would not normally fall within the employee's job description
  - Taking on additional workload, which is not at an additional level of responsibility but which warrants financial recognition
  - One-off merit payments in recognition of exceptional performance.

Where the request for the payment falls outside of the above criteria the Head of Personnel and Development will take the request to Management Team for discussion.

- 19 The Council does have a market supplement scheme to address market pressures that cause recruitment and retention difficulties. Market supplements are applied in exceptional circumstances and any proposed payments for a Management Team post must be approved by Members. For all other roles Management Team is able to give approval.
- 21 If a Chief Officer, or any other officer, chooses to end their employment with the authority there are no termination benefits payable. If the council terminates an officer's employment then the Council's policy on the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 may apply.
- 22 The Council will comply with obligations under the Exit Payment Recovery Regulations.
- 23 Officers may also be entitled to release of their local government pension if they satisfy the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.
- 24 Employees who are Local Government Pension Scheme members aged 55 or over are entitled to request flexible retirement in accordance with the Council's Flexible Retirement policy. This allows an officer to access their local government pension and continue working in a role at either reduced hours or in a lower paid role to help their transition into retirement. Member approval is required where there is a cost associated with the release of the pension. There must be a benefit to the Council in agreeing to a flexible retirement request, the benefits may include: assisting with succession planning, delivering savings etc.
- 25 In exceptional circumstances we may find ourselves in the situation whereby an officer who has been previously employed by the Council (or another authority) and who, on ceasing to be employed, was in receipt of a redundancy payment and/or a local government pension is subsequently reemployed by the

Council. It is not the policy of Kent County Council (the pension scheme administrators) to abate pensions in payment in these circumstances.

- 26 In cases where the Council shares staff with other authorities/agencies this often results in different pay scales, terms and conditions between the two parties. The Council will ensure that for staff employed by Ashford Borough Council that there is internal comparability. This may result in discrepancies across teams with employees working for other employers.
- 27 The Council does not intervene in the pay policy of external contractors; remuneration packages are a matter for the external contractor to determine not the Council.
- 28 The Council is committed to tackling all forms of tax avoidance and therefore encourages the direct employment of staff and pays them via the payroll system. When a need arises for a temporary appointment, recruitment is normally secured by using the Council's employment agency contract arrangement. In a few circumstances where it is necessary to engage self employed people who can provide exceptional skills/experience, the Council will offer a contract for services. Such engagements would be in accordance with HMRC guidelines to ensure that the correct employment status has been applied for PAYE purposes.
- 29 This policy is required to be reviewed at least once a year proceeding the next financial year. Proposals to adjust the policy in a financial year must be approved by Members.

February 2022.

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ASHFORD  
BOROUGH COUNCIL

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 30 March 2023

**Report Title:** Update on the Council's strategic nutrient mitigation and proposed pathway for Nutrient Neutrality Supplementary Planning Document

**Report Author:** Simon Cole, Assistant Director of Planning & Development  
**Job Title:**

**Portfolio Holder:** Cllr. Neil Bell

**Portfolio Holder for:** Planning & Development

**Summary:**

Since July 2020, certain planning applications (those providing overnight accommodation, including new housing) located within the Stour catchment and/or which discharge foul water into the catchment, have been put 'on hold' until they can achieve nutrient neutrality.

In response to this issue, the Council is working proactively to deliver strategic nutrient mitigation. This is in the form of identifying suitable land in the borough for strategic wetlands, which can generate off-site nutrient mitigation that can then be secured by developments, allowing them to be granted planning permission.

This work has progressed and now warrants an update at Cabinet.

In addition, this report outlines what a future Nutrient Neutrality Supplementary Planning Document (SPD) is likely to cover and seeks delegated authority to publish and consult on a draft document when appropriate.

**Key Decision:** No

**Significantly Affected Wards:** Wards affected (though not significantly) include those located wholly or partially in the Stour catchment: Aylesford & East Stour, Beaver, Bircholt, Bockhanger, Bybrook, Charing, Conningbrook & Little Burton Farm, Downs North, Downs West, Furley, Goat Lees, Godinton, Highfield, Kennington, Kingsnorth Village & Bridgefield, Mersham, Sevington with Finberry, Norman, Park Farm North, Park Farm South, Repton, Roman, Saxon Shore, Singleton East, Singleton West, Stanhope, Upper Weald, Victoria, Washford, Weald Central, Weald North, Weald South, Willesborough, Wye with Hinxhill

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

- I. Continue to support the acquisition of sites for, and delivery of, strategic wetlands in the borough as a means of providing off-site nutrient mitigation, subject to planning permission being sought and obtained for them in due course,
- II. Agree with the proposed contents and broad scope of a future Nutrient Neutrality Supplementary Planning Document (SPD), and
- III. Delegate authority to the Director of Place, Space & Leisure and the Assistant Director of Planning & Development, in consultation with the Portfolio Holder for Planning & Development, to determine the final contents and scope and finalise the wording of the draft Nutrient Neutrality SPD, to determine the timing, length and methods of consultation, and to publish the draft SPD for consultation at the appropriate time.

**Policy Overview:** The Conservation of Habitats and Species Regulations 2017 (as amended) and recent case law provide the legal framework for granting planning permissions for development that may have a significant impact on the internationally-protected habitats at Stodmarsh.

Legal advice sought by the Council has confirmed that this issue is a significant material consideration in determining planning applications.

Many housing applications in the Stour catchment have been unable to be determined. This 'hold' on granting permissions on affected sites will continue until a solution is found.

The Local Plan 2030 does not contain a specific policy for nutrient neutrality, as Natural England did not raise this as an issue during the Local Plan preparation. However, Local Plan Policy ENV1 (*Biodiversity*) is relevant to the wider issue of biodiversity and conserving the environment. This reinforces the importance of protecting the environment from the impacts of development.

**Financial Implications:**

It is expected that the cost of providing a wetland to allow residential planning permissions to be granted will be recovered from the developers affected, through the making of the necessary and proportionate payments for their developments' nutrient mitigation.

Therefore over the longer term this should be cost neutral to the council and should not be borne by the local tax payer.

The long term costs of maintaining the wetlands will be



recovered through annual charges levied against the properties built on developments that are given planning permission resulting from the provision of the wetlands. An initial amount will be charged to the developers to fund the cost of maintenance over an initial period to cover shortfalls from the annual charge arising while sites are built out.

**Legal Implications:**

*Text agreed by  
Principal Solicitor –  
Strategic  
Development on 22  
March 2023*

Under Retained EU Law in the U.K., all development proposals which could have a likely significant effect on the integrity of the Stodmarsh Lakes must demonstrate nutrient neutrality through mitigation measures which are legally secured. A strategic-level mitigation solution in the form of strategic wetlands will, together with appropriate Section 106 Obligations, enable this to be demonstrated by those developments which cannot achieve nutrient neutrality onsite, thus enabling the Council to adopt Appropriate Assessments and grant planning permissions for those developments.

The Council has power to enter into property and commercial arrangements with landowners, and to provide and maintain strategic wetlands. On 27 October 2022, the Cabinet among other decisions: (a) recognised the urgency and importance of the strategic wetlands project (subject to planning permission and permitting approval); (b) delegated authority 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 associated with the provision of new strategic wetlands in the Borough and their delivery, management and maintenance; and (c) authorised the Solicitor to the Council, 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 this. Subject to sufficient funding being available (as to which see “Financial Implications”, above) these delegations enable the proposed acquisitions to be negotiated, settled, contracted and completed, therefore no further authority for the acquisition/delivery/maintenance of strategic wetlands is required or sought in this report.

An SPD is a planning policy document junior to a local plan, but is still a material consideration in planning decisions. Adoption of an SPD by the Council is subject to mandatory legal provisions regarding public consultation, scope and effect, but it is not a legal requirement that a draft SPD be approved by Members prior to consultation.

**Equalities Impact  
Assessment:**

Not required as no policy changes proposed.

<b>Data Protection Impact Assessment:</b>	None
<b>Risk Assessment (Risk Appetite Statement):</b>	<p>The risk of not promoting strategic wetlands is that a number of allocated Local Plan housing sites (which are unable to provide on-site mitigation) may be unable to obtain planning permission, which undermines the delivery of the Local Plan 2030.</p> <p>In turn, this exposes the non-catchment parts of the borough to predatory housing proposals in far less sustainable locations, due to the impact on the 5 year housing land supply that this delay has caused.</p> <p>There is also a risk that Government act and change the regulatory framework, or the law is changed by Parliament or the Courts, eliminating the need for these measures.</p>
<b>Sustainability Implications:</b>	Nature based solutions, such as the creation of managed strategic wetlands, will provide the opportunity to provide multi-functional benefits – which in turn could help contribute to wider ‘green’ goals of the Council.
<b>Other Material Implications:</b>	<p>The wider Stodmarsh ‘issue’ is a significant one for the Council and not something which the Council has faced before. Nor was it an issue raised by Natural England as part of the Council’s Local Plan formulation, meaning no plan-led solution was or could be progressed.</p> <p>As it stands, many planning permissions for new housing in large parts of the borough have been on hold for nearly three years – including several areas which are earmarked for significant new development up to 2030 in the Local Plan.</p>
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<p>July 2021 Cabinet report titled ‘<a href="#">A Nutrient Mitigation Strategy for the Stour Catchment in Ashford Borough</a>’ [pdf] 342KB</p> <p>March 2022 Cabinet Report titled ‘<a href="#">Adoption of Stodmarsh Operational Statement</a>’ [pdf] 1MB</p> <p>October 2022 Cabinet Report titled ‘<a href="#">Stodmarsh Update</a>’ [pdf] 279KB</p>
<b>Contact:</b>	<a href="mailto:Simon.cole@ashford.gov.uk">Simon.cole@ashford.gov.uk</a> Tel: 01233 330642

## Report Title: Nutrient Neutrality Update

### Introduction and Background

1. Since July 2020, certain planning applications, including those providing overnight accommodation are required to achieve nutrient neutrality, following advice from Natural England. The impact of the Advice, has meant that a number of housing proposals have been put 'on hold' pending the delivery of nutrient mitigation. [Further background and context on nutrient neutrality is available on the Council's nutrient neutrality webpages.](#)
2. As part of a strategic response to nutrient neutrality, the Council has been proactively working to deliver a Borough Mitigation Strategy which will provide strategic nutrient mitigation for development within the borough.
3. Progress on the Council's strategic response was previously presented to Members through Cabinet Reports in July 2021, March 2022 and October 2022. This Report reflects the latest update.

### Strategic Wetland update

4. As set out in previous Cabinet reports, a core component of the Council's strategy is the creation of strategic wetlands within the borough as a means of providing off-site nutrient mitigation. There are two projects currently ongoing.
5. With regards to the first project, pre-application discussions are being held. The Council's project team includes specialist engineers and officers from Natural England, the Environment Agency and Southern Water. Commercial arrangements are being finalised. A planning application is expected to be submitted in the summer of 2023.
6. With regards to the second project, the Council are actively engaged with the landowner to secure a commercial agreement on land that is the subject of an active planning application for a wetland (reference PA/2023/0393). Discussions are ongoing, yet both parties have agreed an approach and in principle, the financial sum that would be involved in acquiring the wetland. It is also agreed that the wetland can only be considered acceptable, in principle, if it formally forms part of the Council's Borough Mitigation Strategy and this will be reflected in the application material prior to determination.
7. Whilst details of both projects are commercially sensitive (and subject to commercial agreements and gaining the relevant permissions and permits), it should be noted that they would yield significant levels of nutrient mitigation. A precise figure cannot be given at present, but these solutions will mean that the nutrient neutrality impediment has the ability to be removed for all those housing sites allocated in the Local Plan 2030, accepting that a reasonable

assumption has been made about how many of these sites could mitigate, some or part, of their nutrient 'load' on-site.

## **Proposed Nutrient Neutrality Supplementary Planning Document (SPD)**

8. The Council intends to produce a Nutrient Neutrality Supplementary Planning Document (SPD). This report highlights the key issues that will be addressed by the SPD and the current intended approaches. It also includes answers to some key questions, to provide clarity to the market.
9. Once the SPD is prepared it will follow the requisite process, including a period of formal public consultation. The SPD will also pass through Cabinet and Council for adoption following the consultation period and an assessment of any representations made. When adopted, the SPD will become a significant material consideration in the decision-making process for planning applications.

### Nutrient Neutrality Statements

10. The draft SPD will set out that applicants will be required to submit a Nutrient Neutrality Statement (NNS) with any relevant planning application. The NNS, submitted with the planning application, will include information about the development and its proposed approach to nutrient neutrality in a concise and clear manner (similar to an 'executive summary' type format).
11. As part of the NNS, the applicant will need to submit 'nutrient load calculations', based on the [Natural England guidance on nutrient neutrality](#), and details of any on-site mitigation solutions. Where the development proposal is unable to fully mitigate its nutrient load through on-site solutions, then details of off-site mitigation solutions will be required.

### On-site mitigation

12. The Council's Mitigation Strategy is predicated on the principle that proposals shall, wherever possible, seek to achieve nutrient neutrality in whole or in part through on-site mitigation solutions.
13. The draft SPD shall provide details around what on-site solutions might be appropriate, accepting that not every on-site mitigation solution will work for all sites. Factors such as the site location, size, geology, soil characteristics and landscape issues will all be relevant considerations. As part of this, the draft SPD will pick up on matters, such as:
  - How to incorporate on-site mitigation into well-designed places, in terms of layout and landscaping,
  - Balancing the need to deliver nutrient mitigation and other on-site policy requirements, such as open space, play areas, etc.,
  - The specific technical details required within the NNS for common types of mitigation, and

- Any engagement required as part of the planning application process with stakeholders such as Natural England or the Environment Agency.
14. The draft SPD will also provide decision makers with guidance on how to evaluate proposed on-site mitigation solutions to ensure that development affected by nutrient neutrality requirements continues to deliver high quality places.
  15. Experience and work undertaken to-date indicates that the ability to achieve nutrient neutrality often requires large swathes of land. Larger sites are therefore more likely to be able to accommodate on-site mitigation solutions to achieve nutrient neutrality. Within this context, the draft SPD will expect large sites (300 or more dwellings) to achieve nutrient neutrality through on-site mitigation solutions.
  16. However, the draft SPD will also establish that some exceptions to this requirement exist, such as for brownfield sites in urban areas where it will not be realistic or practically feasible to deliver mitigation on-site, on account of land availability.

### The Council's Strategic Nutrient Budget and the issuing of 'credits'

17. As set out in previous Cabinet reports, a core component of the Council's strategy surrounds the creation of strategic wetlands within the borough as a means of providing off-site nutrient mitigation.
18. In simple terms, the strategic wetlands will generate nutrient mitigation capable of offsetting nutrient 'loads' generated by developments. The mitigation generated shall be expressed as part of the Council's 'Strategic Nutrient Budget'. This is likely to be in the form of kilograms of nitrogen and phosphorus mitigation. The budget will be updated regularly.
19. Where it is justified for a development proposal to utilise the Strategic Nutrient Budget through a 'credit', the draft SPD will set out the process by which this can happen. Current thinking is that a credit will be a legal agreement, consisting of two stages:

#### **Stage 1 – Provisional Credit Issued**

20. Contact is made between the applicant and the Council/Credit Issuing Company to ensure that an agreed amount of 'issuable' mitigation is reserved for the applicant's development, should planning permission be granted.
21. If confirmed, a contract shall be signed between the two parties that confirms:
  - The issuable mitigation is 'provisionally' ring-fenced and temporarily allocated from the Council's Strategic Nutrient Budget,
  - An agreed expiry date for the temporary allocation of mitigation from the Strategic Nutrient Budget. This is to ensure that the nutrient mitigation is not secured forever for an application that doesn't progress in a timely manner,
  - The payment of a non-refundable reservation fee,

- Binding legal obligations will be put in place to pay for the nutrient mitigation required, either upfront or in phases, subject to planning permission being granted in principle, and
  - Binding legal agreements will be put in place for an agreed annual maintenance charge regime for future occupiers (see below), to pay for ongoing management and maintenance of the wetland area producing the quantum of strategic nutrient budget released, subject to planning permission being granted in principle.
22. The provisional credit process is required to be undertaken and completed by the applicant to allow the Local Planning Authority to undertake the necessary Appropriate Assessment under the Habitat Regulations, without which planning permission cannot be granted.

## **Stage 2 – Final Credit Issued**

23. Stage 2 of the ‘credit’ is engaged following the grant of planning permission. This stage essentially finalises the ongoing legal commitments made above, linked to and/or as part of the S106 agreement that will be signed at the point when planning permission is actually granted.
24. Once planning permission has been granted, the development will have a two year timeframe to commence construction, unless otherwise agreed with the Local Planning Authority. If the development does not commence within this timeframe, the planning permission will be effectively terminated and the nutrient mitigation that was reserved for it will be returned to the Strategic Nutrient Budget for use elsewhere.
25. To avoid potential ‘mitigation credit hoarding’, the issuance of the ‘credit’ may have additional restrictions included by the ‘issuer’ to incentivise developments to be actually built out in a reasonable timeframe.
26. In such circumstances, the Council and/or the Credit Issuing Company will seek to recover its administration costs from the applicant where there have been unnecessary delays.

## **What is a Credit, Nutrient Load, and a ‘unit’ of Nutrient Mitigation?**

27. As stipulated above, a ‘credit’ is a legal commitment that relates to the provision of the amount of nutrient mitigation that is needed to mitigate a specific proposal, including how that mitigation will be allocated, issued, paid for and delivered.
28. Nutrient ‘load’ is different. The total nutrient load of a development is the amount of nutrient that is generated by the development that needs to be mitigated.
29. To mitigate the nutrient load of a development, ‘units’ of mitigation from the Strategic Nutrient Budget will need to be secured. The exact amount of nutrient mitigation which makes up a ‘unit’ will be established in the draft SPD. However current evidence is suggesting that the smallest amount for a single unit of mitigation will be 0.01 KG of Total Phosphorus.

30. Accordingly, there is no one standard cost for a 'credit'. The amount of nutrient load that a proposal produces will determine the total costs, and that will vary on a case by case basis as different schemes will require different amounts of strategic mitigation from the Strategic Nutrient Budget.

### **What will be the costs?**

31. The Council have been clear from the outset that the strategic nutrient mitigation solutions generated will be delivered on a cost recovery basis so that the Council, as 'forward funder', is paid back over time by the developments that need and utilise the mitigation.
32. The total costs associated with the Council's strategic mitigation solutions include:
- Securing land to deliver new strategic wetlands,
  - Progressing the required planning application / permitting processes for the strategic wetlands,
  - The assumed construction costs of the strategic wetlands, and
  - A proportion of the future management and maintenance costs of the strategic wetlands.
33. In addition, the Council have applied a reasonable assumption about 'risk', using industry standard approaches. Any residual savings in costs derived from the 'risk' contingency will be ring-fenced towards the ongoing management, maintenance and repairs of the strategic wetlands to make sure the mitigation solutions remain fit for purpose.
34. The strategic mitigation solutions are inherently complex and therefore the Council must make sure that it is not unreasonably exposed financially, given the amount of forward funded investment that has been secured to make this provision.
35. In addition to the above, the Council recognise the potential burden on developers regarding the need to ensure that any off-site strategic nutrient mitigation-generating site is managed and maintained, particularly given that it needs to be secured 'in perpetuity' as per the relevant Regulations.
36. Accordingly, the Council intends to adopt a balanced approach towards the longer term management and maintenance of the mitigation, whilst recognising that the Council need to be paid back for its investment and cannot be expected to shoulder this burden.
37. The intention is that an annual management and maintenance charge will be secured through an appropriate mechanism for each dwelling, charged to the occupiers. This money shall be 'ring-fenced' to go towards the ongoing management and maintenance of the strategic mitigation solutions.

### **When will the Strategic Nutrient Budget be 'active'?**

38. As soon as the strategic mitigation solution is significantly advanced (which might vary, depending upon the type of solution promoted), the Council will publish/activate the Strategic Nutrient Budget. At this point, the mitigation would become 'issuable'. This is likely to be around the summer of 2023, but is partly based on when any strategic wetland is granted planning permission,

and the relevant permits secured from the Environment Agency and other bodies. It will not require any strategic wetland to have been constructed or 'in operation'.

### **When can planning permissions that require 'credits' be approved?**

39. As soon as the strategic Nutrient Budget is 'active'.

### **What about occupation restrictions?**

40. The legal position is very clear in that any mitigation should be suitably established before any occupations of dwellings can be allowed.
41. However, the Council are actively working on temporary mitigation solutions which could 'bridge the gap' and provide suitable, short term, mitigation so that occupation restrictions would become unnecessary at the point of granting planning permissions. Such solutions may include changing current farming practices, managing existing land differently, retrofitting of water fixtures in existing Council housing stock, and/or utilising tankering for a period.
42. These solutions would need to be progressed sufficiently for an Appropriate Assessment to rely on them as temporary solutions. However, this could remove the need to have occupation restrictions on individual planning permissions to allow time for a wetland's construction.

### **What about development viability?**

43. The need for relevant developments in the Stour catchment to achieve nutrient neutrality is a legal requirement and a planning permission cannot be lawfully issued unless neutrality is achieved.
44. The Council acknowledge that the need to achieve nutrient neutrality will have a cost implication for developers, as prescribed above. This is especially apparent where the issue of nutrient neutrality was not present when land was acquired.
45. Therefore, the Council acknowledges that for certain proposals, the need to achieve nutrient neutrality may generate justifiable viability concerns. In such circumstances, applicants will be required to comply with Policy IMP2 (*Deferred Contributions*) of the Local Plan 2030, which sets out that where development proposals do not meet all of the policy and infrastructure requirements, it must be supported by extensive viability evidence, which will be rigorously tested as part of the planning application process.

### **How will 'credits' be prioritised?**

46. The intention is that a sufficient Strategic Nutrient Budget is created to enable all development that has been constrained to date to be released (subject to each development being found overall to be acceptable in planning terms, as usual). If that is not the case, then criteria will be developed to enable an informed choice to be made as to which schemes can be released first, such as allocated Local Plan sites that have progressed to 'resolved to grant'. This assessment will include considering the ability to implement the development swiftly, any wider benefits the development brings to the community, either



directly or through regeneration, and the phasing of a scheme against potential future Strategic Nutrient Budget coming 'on-line'.

### **When will the SPD be produced and consulted on?**

47. It is anticipated that Council will be in a position to issue a draft SPD for consultation in the summer 2023 and this will marry up with the Strategic Nutrient Budget becoming 'active'.

### **Links to the wider catchment strategy**

48. The East Kent authorities (including Ashford) and Kent County Council (KCC) have been working together to prepare a strategic, catchment-wide response to nutrient neutrality. Kent County Council has appointed a catchment co-ordinator to oversee and co-ordinate the work on a catchment wide level.
49. The Council remains committed to this catchment wide work. It fully accepts that the Stour river catchment is not constrained by administrative boundaries. However, it is important to note that planning decisions and powers do have to respect administrative boundaries.
50. Accordingly, and for the avoidance of doubt, the purpose of the Council's Strategic Nutrient Budget will be, at least initially, to provide strategic nutrient mitigation for development proposals that fall within the borough boundary.
51. Doing so ensures that the Council can retain control over the housing strategy contained within the Local Plan 2030. It is well documented that around 90% of the housing sites allocated in the Local Plan fall within the part of the borough that lies within the Stour Catchment.
52. Clearly, not all of these dwellings will require strategic mitigation. However, a large number of the sites will need to rely on the mitigation. It is therefore vital that the nutrient mitigation generated by the Council's strategic solutions is set aside for this purpose.
53. Failure to do so would leave the remaining parts of the borough, not affected by nutrient neutrality requirements, vulnerable to speculative and predatory housing proposals, as the Council would not be able to demonstrate that the dwellings allocated in the part of the borough within the Stour catchment can actually be delivered. This would be wholly unacceptable.
54. This position can be kept under review as circumstances change, such as if 'ABC-funded' solutions generate a genuine 'surplus' of nutrient mitigation, or if other planned strategic wetlands in the catchment have advanced. The phasing of strategic nutrient mitigation solutions against the potential need for mitigation from new development across the catchment forms part of the catchment-wide strategy that the different Districts have commissioned.

## **Proposal**

- 55. Members are asked to continue to support strategic wetlands in the borough as a means of providing off-site nutrient mitigation, as set out in the report as part of the Borough Mitigation Strategy.
- 56. Members are also asked to agree that the contents and broad scope of a future SPD would be as set out in this report, and to delegate authority for the draft SPD to be finalised, published and consulted upon, once drafted.

## **Consultation planned**

- 57. Officers are seeking to engage with key stakeholders, such as the Kent Housing Developers Group, on the proposed contents of the SPD to get some market feedback ahead of a formal SPD consultation.
- 58. In addition, dialogue will continue to occur with Natural England, the Environment Agency and Government representatives, as well as the other Districts within the Stour catchment affected by this issue.
- 59. When a draft SPD has been prepared, it will go through the requisite processes, which includes a period of public consultation.
- 60. In accordance with the relevant planning legislation, the SPD will be subject to a minimum 4-week public consultation. The arrangements for the public consultation would be agreed under the delegated authority, as recommended in this report.

## **Equalities Impact Assessment**

- 61. Not required as no policy changes proposed.

## **Risk Assessment**

- 62. The wider risks associated with the Stodmarsh issue are broad and are explained in the July 2021, March 2022 and October 2022 Cabinet reports. These risks have not altered.
- 63. Regarding setting out the scope of a draft SPD, there is limited risk. By clearly setting out what may be included in the SPD at this stage, it gives the market clarity about how the issue of nutrient neutrality is to be dealt with in the future ahead of the publication of the draft SPD.
- 64. It must also be acknowledged that the scope of the SPD, as set out above, is only an indicative direction of travel at this stage. The specific details of the approach to be taken by the Council may be subject to change, depending on the Council's strategic nutrient mitigation solution and how a credit system will work in practice. However, by delegating authority to finalise, publish and consult on the draft SPD without delay once published will provide the market with the opportunity to comment on the proposed approach in the SPD as

soon as the draft SPD has been prepared, rather than further delaying the process for a specific Cabinet approval of the wording of the draft SPD.

## **Other Options Considered**

65. Previous Cabinet reports have considered the other options such as not pursuing a strategic solution, waiting for Government intervention or relying solely on a catchment-wide strategy. However as previously discussed in preceding Cabinet reports, this would further extend the current hold on granting planning permissions for affected developments.
66. With regards to sharing the proposed SPD contents, an alternative option would be to not provide any updates on the proposed scope of the SPD until the SPD was drafted and ready for consultation. However, there is a lot of developer interest in this wider issue, and officers felt it was beneficial to give the market a steer.

## **Reasons for Supporting Option Recommended**

67. By setting out the intended scope of the draft SPD in this report, it provides the market with comfort that the Council is working as quickly as possible to deliver a strategic nutrient mitigation response. There will be a process to provide a clear pathway for developments to achieve nutrient neutrality via strategic off-site mitigation and clarity on what the milestones are for reaching the stage where planning permissions for new housing in the catchment may be released.
68. Nutrient neutrality has considerable, ongoing implications for housing delivery in the borough and has generated significant market interest. This report provides further updates to the market about the strategic wetlands to show that the Council has continued to make great strides towards delivering strategic nutrient mitigation to release the current hold on the granting of planning permissions for overnight accommodation within the borough.

## **Next Steps in Process**

69. If the Cabinet agrees the recommendation, officers will continue to draft the SPD based on the structure and broad scope as set out above. Once the strategic nutrient mitigation solutions have been sufficiently progressed and the SPD has been drafted, it is proposed to carry out a period of public consultation on the draft SPD. Following public consultation, representations will be reported back to the Cabinet along with a proposed final version of the SPD recommended for adoption.

## **Conclusion**

70. As clearly illustrated above, the Council are committed to continue taking a proactive and innovative approach to deal with the impediment to housing delivery from nutrient neutrality requirements.

71. The Council has made significant progress since the last Cabinet report update on nutrient neutrality, including working towards delivering strategic wetlands and the preparation towards a Supplementary Planning Document (SPD) on the matter.
72. The SPD, once drafted, will provide applicants with useful advice about how to achieve nutrient neutrality, what information to submit with a planning application and the process to apply for strategic nutrient mitigation.

### **Portfolio Holder's Views (Cllr. Neil Bell)**

73. I am delighted to announce the significant levels of progress that the Council has made in response to nutrient neutrality. The challenges of addressing and finding deliverable and lawfully robust solutions to nutrient neutrality in the Stour catchment should not be underestimated. However the Council has continued to make headway on this project by working proactively and pragmatically to deliver strategic wetlands in the borough.
74. I fully endorse setting out what a future SPD shall cover, as it will give the market clarity and comfort around how the Council will address some of the important issues and provide guidance on the process and costs for achieving nutrient mitigation and thus, planning permission. The SPD, once drafted, will provide a useful tool to help to remove the current block on sustainable housing growth in the borough, strengthen protection to Tenterden and the surrounding villages from predatory development, and enable the full delivery of our adopted Local Plan.
75. Therefore, I wholeheartedly recommend that the Cabinet agree the recommendations outlined, so that the Council can continue to work towards releasing sustainable development within the borough as soon as possible.

### **Contact and Email**

76. Simon Cole, Assistant Director Planning & Development –  
[simon.cole@ashford.gov.uk](mailto:simon.cole@ashford.gov.uk) Tel:01233 330642



ASHFORD  
BOROUGH COUNCIL

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 30th March 2023

**Report Title:** Policy for Funding the Voluntary and Community Sector

**Report Author & Job Title:** Michelle Byrne, Funding and Partnerships Officer  
Jennifer Shaw, Strategy and Policy Manager

**Portfolio Holder** Cllr. Peter Feacey  
**Portfolio Holder for:** Policy and Performance

**Summary:**

The report presents a draft policy for funding the voluntary and community sector (VCS). The purpose of the policy is to provide a consistent and coordinated approach to funding the VCS. It sets out how funding will be awarded to ensure it will contribute to the council's corporate priorities; improve efficiency through better coordination between council services on funding and commissioning with the VCS; and importantly give greater clarity, certainty and stability to the VCS organisations. There is a proposal to bring together a Revenue Funding stream which will include Ward Member grants and Strategic /Service grants (formerly Community/Service grants) in two distinct funding streams.

**Key Decision:** YES

**Significantly Affected Wards:** ALL

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

- I. Note the draft policy and agree the proposed funding streams
- II. Agree for the Head of Policy and Performance to undertake a consultation on the draft policy with Ward Members and the Voluntary and Community Sector, reporting the outcome back to Cabinet.

**Policy Overview:** Delivery of the three themes in the Corporate Plan 2022-2024; Green Pioneer, Caring Ashford and Targeted Growth are all supported by work undertaken by the VCS.

**Financial Implications:** The policy aims to ensure that funding is allocated to the VCS in a coordinated and efficient manner and provides more stability for those organisations that are adding value or providing additional services to support the corporate objectives.

**Legal Implications:** There are no legal implications associated with this policy.

<b>Equalities Impact Assessment:</b>	An Equalities Impact Assessment will be submitted with the final draft policy following the consultation.
<b>Data Protection Impact Assessment:</b>	Any data gathered through the submission of funding applications will be processed in accordance with the Data Protection Act and GDPR UK.
<b>Risk Assessment (Risk Appetite Statement):</b>	Without a policy for funding the VCS there is a risk of a lack of coordination and understanding of how funding is allocated potentially leading to inefficient use of resources.
<b>Sustainability Implications:</b>	The policy requires projects or services that the VCS are putting forward for funding to support the council's corporate priorities, one of which is Green Pioneer. Supporting projects that contribute towards tackling climate change will contribute to the borough wide carbon neutral target.
<b>Other Material Implications:</b>	None
<b>Exempt from Publication:</b>	NO
<b>Background Papers:</b>	None
<b>Contact:</b>	<u><a href="mailto:michelle.byrne@ashford.gov.uk">michelle.byrne@ashford.gov.uk</a></u> – Tel: (01233) 330485 <u><a href="mailto:jennifer.shaw@ashford.gov.uk">jennifer.shaw@ashford.gov.uk</a></u> Tel: (01233) 330451

## **Introduction and Background**

1. The voluntary and charity sector makes a significant contribution to the UK economy and employs an estimated 3% of the UK workforce. There are recognised benefits to those who work or volunteer in the voluntary and community sector as well the benefits to the direct recipients of the organisations services.
2. Locally the council recognises and supports the valuable role of the voluntary and community sector (VCS) in helping resident's access activities, services and advice in areas such as health, welfare, sport, recreation, culture and education.
3. Through working closely with VCS across the borough helps deliver and add value to the council's own services, meet the objectives in its corporate plan and support its communities to thrive.
4. The council provides financial and in-kind support to ensure there is a vibrant VCS across the borough that often reaches out to residents who otherwise maybe unaware of or unable to access services or activities.
5. There are a variety of grants made, from significant sums of money that provide ongoing support towards the operational costs of an organisation through to smaller 'one-off' community grants. Grants maybe funded from individual service budgets or the dedicated community grants fund. In 2022/23 the council's main VCS grants streams funded £580,000 from ABC budgets and £57,000 in foregone income (peppercorn rents).

## **Proposal**

6. The purpose of the policy (appendix1) is to provide a consistent and coordinated approach to funding the VCS. To improve efficiency through better coordination between council services on funding and commissioning with the VCS and importantly give greater clarity, certainty and stability to the VCS organisations.
7. The grants streams have been organised into:
  - Revenue Grants
    - Strategic/Service Grants (formerly known as Community Service Grants)
    - Member Grants
  - Community Grants Fund
    - Capital Grants
    - Event Reset Grants
  - Crisis/Emergency Grants and Loans
  - In-kind Grants (Foregone Income)
8. The draft policy sets out
  - who is eligible to apply for grant funding

- eligibility criteria
- funding priorities
- grant conditions
- outline of how to apply for a grant and decision making
- monitoring of grant spend

## **Equalities Impact Assessment**

9. An Equalities Impact Assessment will be submitted together with the final draft policy following the consultation period.

## **Consultation Planned or Undertaken**

10. It is proposed to consult the VCS organisations across the borough and parish and community councils on the draft policy.
11. Comments from Elected Members will be sought.
12. All responses will be considered and reported back to Cabinet with any suggested amendments to the draft policy as an outcome of the consultation.

## **Next Steps in Process**

13. Subject to Cabinet agreement a six week consultation will be undertaken.
14. The consultation questions will be agreed by the Portfolio Holder for Policy and Performance.

## **Conclusion**

15. A policy for funding the voluntary and community sector will provide a robust framework for the allocation of funding to this sector. This will ensure resources are used as efficiently as possible while supporting the vital work the sector undertakes that benefits many residents and communities across the borough.
16. Engaging with the VCS on the draft policy will demonstrate that the council wishes to work with them to provide clarity, stability and accountability in its support for the sector.

## **Portfolio Holder's Views**

17. The VCS is a vitally important body of organisations in the borough and does outstanding work across many areas, supporting vulnerable people and helping communities to thrive.
18. The council's support to this sector enables many VCS organisations to offer activities and services that add value to and complement our own services.
19. As we seek ways to deliver services more efficiently it is crucial that we continue our support to the sector through consistent guidance, clear decision making and accountability.



20. I support the proposal to consult with the VCS and Elected Members on the draft policy that is presented with this report.

## **Contact and Email**

21. Michelle Byrne [michelle.byrne@ashford.gov.uk](mailto:michelle.byrne@ashford.gov.uk)
22. Jennifer Shaw [jennifer.shaw@ashford.gov.uk](mailto:jennifer.shaw@ashford.gov.uk)



# Policy for Funding the Voluntary and Community Sector

Date: March 2023

Review due: March 2026

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## 1. Background

In 2022 the voluntary sector contributed around £20bn to the UK economy and employed over 950,000 workers, about 3% of the total UK workforce. 16.3 million people volunteered through a group, club or organisation in 2020/21<sup>1</sup>.

In Kent there are 3,147 active voluntary organisations with 9004 employees and 11,304 volunteers<sup>2</sup>.

Locally, the Ashford Volunteer Centre (AVC) has 262 voluntary, community and social enterprise (VCSE) groups registered with them. Other organisations, not registered with AVC, include; 40 Parish Councils and 2 Community Councils in the borough, Parent & Teacher Associations at schools and national organisations that work in the borough but are registered elsewhere.

The Value of the Charity Sector (2019)<sup>3</sup> states that the charity sector is large and increasingly important and that Charities are particularly well placed to respond to social challenges facing the UK, such as increasing social and income inequality. Charities add value in five areas:

- **Direct recipients** – those people who receive the services of the organisation
- **Employees** – the sense of fulfilment from working in a sector that helps others is of greater importance than salary expectations for some VCS employees
- **Volunteers** - Charitable work can bring substantial benefits to volunteers, mainly in the form of enhanced well-being and health benefits. Volunteering and charitable activities have been shown to increase life satisfaction and levels of happiness. Volunteering also increases skills and employability, especially for marginalised groups of society
- **Donors** - create and derive value directly linked to the services provided but also may derive value from a range of less tangible impacts on themselves including everything from their social standing to tax relief to emotional wellbeing, explaining why people often donate to causes linked to events in their lives, rather than based on any formal analysis of the highest returns for their money
- **Wider public** - The charity sector contributes to fostering economic and social cohesion at the community level and charities make wider contributions through their participation in public and private debates relevant to their services, in providing an alternative point of view from private and public sector organisations and an alternative means by which people can engage with that point of view

## 2. Introduction

The Council recognises and supports the valuable role of the voluntary and community sector (VCS) in helping resident's access activities, services and advice in areas such as health, welfare, sport, recreation, culture and education.

Working closely with VCS in Ashford helps deliver and add value to the council's own services, meet the objectives in its corporate plan and support its communities to thrive. This was demonstrated by the VCS in its rapid response to the Covid 19 pandemic, and the subsequent cost of living crisis. From food banks and warm spaces, help with shopping and befriending services, mental health and

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<sup>1</sup> <https://www.ncvo.org.uk/news-and-insights/news-index/uk-civil-society-almanac-2022/#/>

<sup>2</sup> Headline analysis of the voluntary & community sector in Kent, KCC, January 2023

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/835686/Value\\_of\\_Charity\\_-\\_Oct\\_19\\_-\\_published.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835686/Value_of_Charity_-_Oct_19_-_published.pdf)

wellbeing support to debt and financial advice, the VCS is playing a vital role in keeping Ashford residents healthy and safe.

The council provides financial and in-kind support to ensure there is a vibrant VCS across the borough that often reaches out to residents who otherwise maybe unaware of or unable to access services or activities.

This policy is for Councillors, Officers and the VCS to:

- Guide the allocation of funding, ensuring decisions are consistent, fair and transparent.
- Provide a more coordinated funding service to the VCS.
- Ensure value for money.
- Strengthen the VCS by fostering a sustainable approach to funding.

There are 4 main categories of funding to the VCS:

- Revenue Grants
  - Strategic/Service Grants
  - Member Grants
- Community Grants Fund
  - Capital Grants
  - Event Reset Grants
- Crisis/Emergency Grants and Loans
- In-kind Grants (Foregone Income)

### 3. Corporate Priorities

The Corporate Plan 2022 – 2024 was developed in consultation with a range of local stakeholders to agree the priorities the council should focus on. A long term ambition and three themes, each with a set of objectives, were the outcome of this work.

The long term ambition for the borough is:

*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.*

Applications for grant funding must demonstrate how the activity, project or service will contribute to achieving one or more of the council's corporate objectives as listed below.

Theme	Objectives
Green Pioneer	GP1: Reduce reliance on fossil fuels in line with our carbon neutral targets
	GP2: Increase biodiversity and encourage sustainable lifestyles
	GP3: Reduce the amount of waste produced from homes and business
Caring Ashford	CA1: Homes and neighbourhoods in the borough meet the needs of local people of all ages, incomes and abilities to live sustainably and safely
	CA2: Local people have access to life-long learning to ensure they have knowledge and skills to take up local employment
	CA3: Reduce health inequalities and improve the wellbeing of local people
	CA4: Communities celebrate their heritage and the diversity of their population to build a more connected community and strengthen social Responsibility

Targeted Growth	TG1: Increase productivity and job opportunities and the establishment of sustainable, knowledge based and creative industries in the borough
	TG2: Enable the improvement of digital infrastructure to support the growing needs of business, voluntary sector and residents
	TG3: Strengthen local supply chains and increase the resilience of the local economy
	TG4: Support growth in the visitor economy
	TG5: Stimulate vibrant, accessible and sustainable Town Centres for residents, visitors and business

#### 4. Types of Grant

The table below sets out the type of grants and the amount of funding available.

Revenue Grants		Community Grants Fund		Crisis/Emergency Grants and Loans	In- Kind Grants (forgone income)
Strategic / Service Grants	Member Grants	Capital Grants*	Event Reset Grants		
For operational (running) and maintenance costs or delivery of a specific service. Up to 3 years agreement.	Each Ward Member has an allocation of funding (agreed annually) to award to local organisations / projects within their own ward that benefits residents in that ward. Minimum grant £100.	One-off grant for capital projects up to £10,000. Value of grant must not exceed 50% of total project costs E.g. Equipment, furniture purchase, building refurbishment, improving open space.	Revenue funding to help deliver community events and festivals. Up to £1,000.	Short term (up to 1 year) to fill funding gap not covered by organisations reserves or other funding sources. Up to £10,000. In exceptional circumstances a loan maybe considered up to £25,000	Whereby the council provides premises for the operation of an organisation at either a low or no rent or allows occasional use of a premises free of charge e.g. meeting rooms

\*Applicants can only apply for a capital grant once every three years unless there are exceptional circumstances.

#### 5. Who can make an application

The following organisations are eligible to submit an application for funding:

- Not-for-profit organisations with a formal charitable status.
- An unincorporated organisation with a constitution and a formally appointed voluntary management committee.
- A parish council or community council (on condition that the funding is for something that provides additionality).
- A faith based organisation where the project is open to the wider community and does not have any religious bias.

## 6. Exclusions

The following are not eligible to submit applications for funding:

- Individuals
- Sole Traders
- Organisations that are aimed at generating profits primarily for private distribution
- Organisations that can pay profits to directors or shareholders
- Community Interest Companies (CICs) limited by shares
- Mainstream public services e.g. health, education
- Churches/faith groups to fund their core purposes e.g. religious instruction
- Political Parties

## 7. Eligibility criteria

The council will only fund projects or services where there is a clear financial need due to lack of available funds and will not fund projects or services that have already been delivered or work that has already been carried out.

Organisations applying for funding must fulfil all the criteria below.

- Operate in Ashford borough and serve the borough's residents
- Are non-political
- Have a bank or building society account in the organisation's name (requiring two unrelated signatories)
- Have relevant insurances in place e.g. public liability insurance, buildings insurance
- Have relevant safeguards and policies in place i.e. risk assessments, health and safety policy, safeguarding policy
- Have effective management/governance arrangements in place
- Promote equalities within their structure and operations
- Have support for their project from an Ashford Borough Council Ward Councillor or the Portfolio Holder
- Are providing a service(s), project(s) or facilities that are open to any resident in the borough (or have a clear, non-financial justification for targeting or prioritising a client group)
- Do not have more than 12 months' worth of expenditure in unrestricted reserves or savings
- Have no overdue debts owed to the council

## 8. Funding priorities

All applications for funding must contribute towards achieving the council's corporate priorities by meeting at least one of the following funding priorities in both section A and section B.

### Section A

- a. Reduces greenhouse gas emissions and/or increases biodiversity
- b. Encourages more active and healthier people and communities
- c. Delivers improved facilities for the local community
- d. Creates opportunities to learn about or participate in local arts, heritage and culture
- e. Provides advice/mentoring for vulnerable people
- f. Creates opportunities for multicultural and/or intergenerational activities

## Section B

- a. Increases knowledge and skills
- b. Reduces loneliness and isolation
- c. Improves community engagement
- d. Increases understanding of other cultures and faiths
- e. Increases personal wellbeing, independence and resilience
- f. Demonstrates value for money

## 9. Grant conditions

Any funding award is made in agreement to the following conditions:

Where required the applicant will enter into a Service Level Agreement (SLA) with the council. The SLA will be appropriate for the level of funding awarded and the complexity of the project /service funded.

Funding can only be spent on the project/service as described in the application and for no other purpose.

If expenditure on the grant-aided aspect of the project/ service is less than stated in your application, the grant amount paid to you may be reduced.

Any unspent funds must be returned to the council.

Not for profit / charitable organisations to register with the Ashford Local Lottery

Details of how the funding was spent, evidenced with copies of receipts must be received by the council within 1 year of the firm offer of funding.

Applicants will, when requested, report to a relevant committee / panel either in person or by writing regarding how the funding was spent and the outcomes achieved.

Any publicity materials, advertisements, press releases and programmes relating to the project/event/service for which the funding has been awarded will credit Ashford Borough Council through use of the council logo and the words “supported by Ashford Borough Council”.

The funding received will be acknowledged in the applicant’s annual report and accounts which cover the funding period.

The council reserves the right to use details of the project/service that received funding in its own publicity.

Any changes to use / retention of equipment or assets must be agreed with the council. No equipment or other assets purchased with the funding can be sold without the council’s prior written permission.

Any details later proved to be incorrect may prejudice a subsequent application and could result in a requirement to repay any funding awarded.



## 10. Application process and decision making

All applications for funding to be submitted on the correct form.

### 10.1 Revenue Grants

#### *Strategic/Service Grants*

Applications for funding must be received by end of July prior to the next financial year to enable funding requests to be accommodated in budget setting timeframes.

Applications will be assessed by the relevant Assistant Director.

Funding awards will be decided as follows:

Applications for funding of up to £25,000 for 1 year by the Assistant Director

Applications for funding between, £25,000 and £50,000 or for more than 1 year by Director

Applications above £50,000 by the Senior Management Team

Applicants will be notified that their application is complete and is being considered within 4 weeks of date of submission. If any further documentation is required, the 4 weeks will commence from the date the additional documentation is received.

Applicants will be informed of the funding decision within 6 weeks of receiving the notification of receipt of their application.

In exceptional circumstances funding may need to be approved by the Cabinet. In this instance the applicant will be informed of the date the report will be presented to Cabinet.

#### *Member Grants*

Enquiries can be made directly to the Ward Member on an ongoing basis throughout the year. The Ward Member will provide an application form and on completion sign off the form and pass to the Funding and Partnerships Officer to process.

The grant will normally be paid within 15 working days of receipt of a fully and properly completed application form.

It is at the discretion of the Ward Member which local projects and services to fund as long as it is legal, does not conflict with council policy/priorities and directly benefits residents in the Councillor's own ward.

National Charities cannot be funded.

Organisations that have already receive a grant in the same year from an alternative council fund (excluding crisis/emergency grants) for a service or project may not apply for a ward member grant for the same service or project.

In election years, the fund account will be closed at the end of February. No allocations will be permitted between 1 March and the election date, presuming it takes place before the end of May. In all other years, the cut off will be 31 March.

## 10.2 Community Grants Fund

### *Capital Grants Fund*

The completed application form to be submitted online by one of the deadlines, published on the internet.

Fully completed applications will be considered by the Community Grants Panel. Applicants will be required to attend the panel.

Applicants will be notified of the decision of the panel within 2 days of the panel meeting.

### *Event Reset Grants*

The completed application can be submitted at any time throughout the year.

An in principle decision will be notified to the applicant within 4 weeks of receiving a completed application.

The application will be passed to the Safety Advisory Group for consideration. On agreement of the Safety Advisory Group confirmation of funding will be made.

## 10.3 Crisis / Emergency Grants and Loans

Applications will be acknowledged within 2 weeks of receipt.

The applicant will be notified of the decision within 6 weeks of the council receiving the application.

All decisions for crisis / emergency funding will be made by a Director and the Chief Executive.

## 10.4 In-Kind Funding (foregone income)

For use of council owned property, at a reduce rent, the applicant must gain the written agreement of the Assistant Director of Environment, Property & Recreation who, in consultation with the Director of Place, Space and Leisure and the Director of Customer, Technology and Finance, will agree the terms under which the property can be let.

For occasional use of meeting rooms at reduced or no cost, applicants must gain the agreement of the Property Building Services Manager.

## 11. Monitoring and Review

All grant funding provided under this policy should be reported to the Funding & Partnerships Officer so a central record can be maintained and reported on.

Applicants will be required to provide updates of their project or service as set out in the conditions of the grant offer. This includes confirmation that any equipment or assets purchased remain in their ownership and used for the purpose the grant was awarded.

The Overview and Scrutiny Committee will receive an annual report on funding to the Voluntary and Community Sector in July each year. Any issues will be highlighted in the report for consideration and any recommendations for change to be made to Cabinet.

This policy will be reviewed every 3 years.

## 12. Complaints

Any complaints regarding an application for funding should be made by following the council's complaints procedure.

<https://www.ashford.gov.uk/contact-us/complaints>

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ASHFORD  
BOROUGH COUNCIL

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 30<sup>th</sup> March 2023

**Report Title:** Digital Accessibility Policy

**Report Author:** Ben Robinson

**Job Title:** Digital Transformation Manager

**Portfolio Holder:** Cllr. Alan Pickering

**Portfolio Holder for:** HR Customer Services Communications and Digitisation

**Summary:** Ashford Borough Council is committed to providing a digital experience that is accessible to as many people as possible. This includes people with disabilities, older people, people from diverse ethnic and cultural backgrounds, and people with varying levels of digital literacy. To this end, this Digital Accessibility Policy has been developed to ensure that the digital services we provide are available to all members of the public.

**Key Decision:** YES

**Significantly  
Affected Wards:** All

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

- I. Receive the recommendation of the IT & Digital Transformation Advisory Committee that the proposed Digital Accessibility Policy be adopted.

**Policy Overview:** Digital Accessibility Policy  
**Financial** N/A

**Implications:**

**Legal Implications:** Failing to make reasonable adjustments could mean that we will be in breach of the Equality Act 2010 and the Disability Discrimination Act 1995. As a result the Equality & Human Rights Commission (EHRC) can use their legal powers against offending organisations.

**Equalities Impact  
Assessment:** See Attached

**Data Protection  
Impact  
Assessment:** Not Required

**Risk Assessment  
(Risk Appetite  
Statement):** There is a risk of reputational damage if we are not able to keep up with the requirements.

<b>Sustainability Implications:</b>	N/A
<b>Other Material Implications:</b>	None
<b>Exempt from Publication:</b>	<b>NO</b>
<b>Background Papers:</b>	<b>None</b>
<b>Contact:</b>	ben.robinson@ashford.gov.uk – Tel: (01233) 330849

## **Report Title: Digital Accessibility Policy**

### **Introduction and Background**

1. Ashford Borough Council is committed to providing a digital experience that is accessible to as many people as possible. This includes people with disabilities, older people, people from diverse ethnic and cultural backgrounds, and people with varying levels of digital literacy. To this end, this Digital Accessibility Policy has been developed to ensure that the digital services we provide are available to all members of the public.
2. This Policy outlines the Council's commitment to make sure that its digital services are accessible to everyone who needs them. It sets out the Council's expectations for the design, development, and operation of its digital services, to ensure that they are accessible to all users. It also outlines the Council's expectations of its service providers, to ensure that they are also providing an accessible digital experience.
3. The policy has been considered by the IT & Digital Transformation Advisory Committee who recommend the adoption of the Digital Accessibility Policy to Cabinet.

### **Proposal**

4. The Digital Accessibility Policy is designed to ensure that the Council's digital services are accessible to all users. It is intended that this policy will mean that the Council is providing an inclusive digital environment, in which all members of the public, regardless of their disability or level of digital literacy, can access.
5. The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 ("The Regulations") sets out requirements that councils need to meet, These are as follows:
  - Full conformance to the Web Content Accessibility Guidelines (WCAG) version 2.1 Level AA
  - Digital systems to publish an accessibility statement that explains its accessibility health and outlines workarounds for any remaining barriers.
6. Organisations that do not meet the accessibility requirement or fail to provide a satisfactory response to a request to produce information in an accessible format, will be failing to make reasonable adjustments. This means they will be in breach of the Equality Act 2010 and the Disability Discrimination Act 1995.

7. Ashford Borough Council will seek to ensure that all web-based content and mobile applications that it funds, develops or controls meet the requirements. WCAG regulations came into force for public sector bodies on 23 September 2018. In line with this the new website was built with an accessibility-first approach ensuring that it would be as accessible as possible for all of our residents.
8. The website accessibility monitoring team at the Central Digital & Data Office, which is part of the Cabinet Office) audited [www.ashford.gov.uk](http://www.ashford.gov.uk) in November 2021. Their audit flagged four technical issues with our website, which were fixed within the 12 week grace period afforded by the Central Digital & Data Office (CD&DO). Given the scope and size of our website it was reassuring that only four matters were highlighted by the CD&DO and this gives us confidence that our systems and processes for monitoring our website accessibility are sound.
9. With around a quarter of the UK population having some type of disability, accessibility is a key focus on our website development and regular monitoring of our website's accessibility is ensuring that we remain compliant with this important regulation.
10. The Digital Core Group is an officer group that is responsible for ensuring that Ashford Borough Council complies with the regulations. Appropriate steps, including advice and support, will be taken by the Council's representative for accessibility.
11. Any changes to legislation will be considered in a timely manner with policy and controls being reviewed accordingly. Any new Digital systems will be developed and managed to comply with the regulations, addressing any technical limitations that become apparent.
12. Ashford will provide all necessary accessibility information regarding any of its digital systems in the form of an Accessibility Statement which meets the required standard under the regulations on the system's web interface. The statement can be found at <https://www.ashford.gov.uk/accessibility-statement>.
13. Digital accessibility training will be a mandatory part of the induction process for all new staff who are creating digital content as well as continuing professional development for existing staff who are creating digital content.
14. This Digital Accessibility Policy will be reviewed regularly to ensure that it remains up-to-date and relevant. The Council will strive to ensure that its digital services are as accessible as possible and that all members of the public can access them.

## **Equalities Impact Assessment**

15. Members are referred to the attached Assessment. This policy has a positive impact on all our residents, in particular those with disabilities.



## **Consultation Planned or Undertaken**

16. The IT & Digital Transformation Advisory Committee have considered this policy and recommend to Cabinet that this policy be adopted.

## **Other Options Considered**

17. We can continue to work as we are but without the direction of this policy it could mean that we don't meet the regulations which could have serious implications as well as failing to meet our customers who have disabilities needs.

## **Reasons for Supporting Option Recommended**

18. Our residents deserve that we provide a digital experience that is accessible to as many people as possible. This includes people with disabilities, older people, people from diverse ethnic and cultural backgrounds, and people with varying levels of digital literacy. This policy will help us achieve this.
19. Organisations that do not meet the accessibility requirement or fail to provide a satisfactory response to a request to produce information in an accessible format, will be failing to make reasonable adjustments. This means that they will be in breach of the Equality Act 2010 and the Disability Discrimination Act 1995. This could mean that the EHRC can use their legal powers against offending organisations, including investigations, unlawful act notices and court action. There is also risk of reputational damage if we are not able to keep up with the requirements.

## **Next Steps in Process**

20. Once cabinet have approved the policy it will be monitored via the Digital Core Group at officer level it is also recommended that this is monitored by the IT & Digital Advisory Committee.

## **Conclusion**

21. This Policy outlines the Council's commitment to make sure that its digital services are accessible to everyone who needs them. It sets out how the Council will ensure that its design, development, and operation of its digital services, are accessible to all users. The Council will also use this policy to ensure that its expectations of its digital service providers are met to ensure that they are also providing an accessible digital experience.

## **Portfolio Holder's Views**

22. **Cllr Alan Pickering – Portfolio Holder for HR Customer Services Communications and Digitalisation:**

"There has already been some good work conducted by our digital team to improve the accessibility of our online services since the Web Content Accessibility Guidelines came into scope for public bodies in 2018. However, this policy will further embed accessibility as a key focus for staff at Ashford

Borough Council.

“Furthermore, the work taking place to make our services accessible will make user accessibility easier for everyone, not just for those with disabilities.”

23. **Cllr Matthew Forest – Chair of IT & Digital Transformation Advisory Committee:**

“The IT & Digital Transformation Advisory Committee fully support this policy and we will have a key role in monitoring its implementation moving forward.

“This policy will be key for identifying future digital systems that the council invests in, ensuring that we are procuring services that are accessible to all.”

**Contact and Email**

24. [ben.robinson@ashford.gov.uk](mailto:ben.robinson@ashford.gov.uk) – Tel: (01233) 330849

# Policy: Digital Accessibility Policy

Original Implementation Date: New Policy



## Control Schedule

Policy Owner:	Robin Jones		
Policy Author:	Ben Robinson		
Approved By:			
Approval Date:		Minute reference:	
Policy Review Due:	16/1/2025	Review Cycle:	Every 2 Years
EIA completed:	16/1/2023	EIA Review Due:	16/1/2024

## Version Control

Version	Date	Author	Comment	Approved by
1.0	6/9/2022	BR	1 <sup>st</sup> Draft pulled together aligning with the Kent Digital Accessibility Group policy	
1.1	7/9/2022	JS	James Sloan changes	BR
1.2	16/1/2023	BR	EIA Added	
1.3	27/1/2023	JS	Added TM feedback	

## Decisions affecting this policy

Date	Committee/Member/Officer	Report title	Minute ref

## Policy Statement

1. Ashford Borough Council will seek to ensure that all web-based content and mobile applications that it funds, develops or controls meet the requirements set out in the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 ("The Regulations"). This includes making reasonable adjustments where appropriate under the Public Sector Equality Duty and the Equality Act 2010.

The Regulations require:

- Full conformance to the Web Content Accessibility Guidelines (WCAG) version 2.1 Level AA
  - Digital systems (as defined under point 14) to publish an accessibility statement that explains its accessibility health and outlines workarounds for any remaining barriers.
2. WCAG 2.1 defines how to make Web content more accessible to people with disabilities. Accessibility involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities
  3. The Digital Core Group is responsible for ensuring that Ashford Borough Council complies with The Regulations. Appropriate steps to meet The Regulations, including advice and support, will be taken by Ashford Borough Council's representative for accessibility.
  4. The objective of this policy is to set out the principles we must all follow to comply with The Regulations and thereby ensure that information is made accessible to anyone who has a right to that information.
  5. Ashford will comply with The Regulations and all relevant legislation. It will ensure changes to legislation are considered in a timely manner and review policy and controls accordingly.
  6. Digital systems will be developed and managed to comply with The Regulations, addressing any technical limitations that become apparent.
  7. Ashford will provide all necessary accessibility information regarding any of its digital systems in the form of an Accessibility Statement which meets the required standard under The Regulations on the system's web interface.
  8. Staff who manage contracts and procure new digital systems and services must make sure that contractors comply with their obligations under the current legislation; they must also actively manage any identified accessibility limitations until they are resolved. All contracts relating to digital systems and content must include appropriate Digital Accessibility Statements and clauses.
  9. Staff who produce content must learn how to make content accessible and keep up to date with accessibility standards. Digital accessibility training should be a mandatory part of the induction process for all new staff who are creating

content and of continuing professional development for existing staff who are creating content.

10. Anyone has the right to challenge the level of accessibility of our digital systems and the impact of any constraints outlined in this policy. Such challenges will be dealt with appropriately through support mechanisms also outlined in this policy.
11. Ashford supports the principles set out by WCAG 2.1, Levels A and AA. It maintains policies and procedures for monitoring the quality and compliance of its digital systems.
12. Any digital system or content that cannot be made accessible should be referred to the Digital Improvement & Web Development Officer who will act to manage the risk of non-compliance. This may be escalated to other accountable roles for accessibility compliance for example, The Digital Core Group.
13. Staff who manage systems must meet their obligations under the current legislation and actively manage any accessibility limitations identified until they are resolved. This includes an annual plan for auditing and updating accessibility statements.

## **Relationship with other existing policies**

14. Linked to Equality Policy 2022-2024.

## **Policy content**

### **In scope**

15. This policy applies to:
  - Everyone who procures, manages, or develops a digital system as part of Ashford Borough Council's business processes; and
  - Everyone who produces documents or content hosted on a digital system that meets the following description.
16. For the purposes of this policy, a "digital system" is any IT (Information Technology) system that is accessed using a browser or on a mobile device and is created for an internal or external audience (for example staff and members of the public). This applies to the administrative interface as well as the user interface.

This includes but is not limited to:

  - Websites
  - Web-based systems
  - Documents and content hosted on a digital system
  - Mobile applications.
17. A digital system is in scope for The Regulations if it is fully or partially funded, developed, or controlled by the Ashford Borough Council or has Ashford's branding.

## Out of scope

18. Any digital system that is not funded, controlled, or developed by Ashford Borough Council is outside the scope of this policy. This includes subscription services where the Ashford does not control or manage a system but pays for access to it, however if as part of the tender process, an accessible alternative was available, this means it was under our control.
19. If a digital system does not clearly fit this scope statement, the Digital Improvement & Web Development Officer will decide whether it should be included as a system that must meet the standards set out in this policy.

Some types of digital content are not in scope:

- files published before 23 September 2018 (unless needed as part of an active process related to tasks performed by the [name of organisation]).
  - audio and video content published before 23 September 2020;
  - live video and audio streams;
  - online maps and mapping services, if the information on the map is provided in an accessible format alongside;
  - third-party content that is neither funded, developed or under the control of the [name of organisation].
  - reproductions of items in heritage collections that cannot be made accessible without compromising the integrity of the item or without significant investment; and
  - content qualifying as 'archives', meaning it is not needed for an active process and is not edited after 23 September 2019.
  - Mobile applications are only in scope if they are listed on an app store and available to the public.
20. Even where a digital system is outside the scope of this policy, its accessibility should be considered, including provisions made for reasonable adjustments and alternative formats.

## Risks

21. Failure to comply with the relevant statutory standards is an infringement of legislation and may result in reputational damage and financial loss.
22. The Central Digital and Data Office (CDDO) actively monitors compliance with The Regulations, and which will perform periodic compliance audits Ashford's digital systems. If non-compliances are identified, the organisation will have 12 weeks to resolve all issues.
23. If issues remain unresolved following this period, Ashford Borough Council will be publicly listed as a non-compliant organisation and the Equality and Human Rights Commission may choose to start legal proceedings under the Equality Act.

## **Indicative Roles, responsibilities, and policy compliance**

24. A proposed management structure for digital accessibility is outlined below to support the statements set out in this policy.

### **Digital Core Group**

25. The Digital Core Group is accountable for ensuring that Ashford Borough Council adheres to The Regulations.

### **Strategic Lead for digital accessibility & compliance**

26. The Digital Transformation Manager will develop a suitable strategy and framework to support Ashford in meeting its accessibility goals and monitor its implementation. They will ensure that good practice is applied and support services in their digital plans. This includes acting on relevant legislation and actions needed, as set out in this policy, to ensure compliance.

### **Operational Lead for digital accessibility & compliance**

27. The Digital Improvement & Web Development Officer oversees matters of compliance with the technical web standards set out in the regulations, including compliance of accessibility statements. Working with the technical lead to resolve any issues This includes raising awareness of relevant legislation and of actions needed, as set out in this policy, to ensure compliance, including:

- Staying informed about the regulations and respond to any changes made to national guidance around accessibility.
- Liaising with the CDDO/GDS on any audits ensuring any issues flagged are resolved within the timeframe given.
- Supporting Procurement/Contract Managers to ensure that all systems (both existing and newly procured) have the Ashford Borough Council accessibility requirements built into contracts with the supplier.
- Conducting accessibility audits and testing using both manual and automated approaches.
- Creating and maintaining an accessibility audit framework that includes a list of systems in scope of this policy and their current accessibility status.

### **Technical Lead**

28. The Senior Systems Developers will advise and support the Operational Lead to resolve issues where technical issues have caused incidences of non-compliance with standards that are identified across Ashford Borough Council digital estate.

## **Health and Wellbeing Group**

29. The Health and Wellbeing Group support the maintenance of the framework and the monitoring of the Ashford overall adherence to the legislation through Equality Impact Analysis (EIA). There should be regular EIAs (Equality Impact Analysis) on how changes are affecting staff in different equality groups and positions within the Ashford Borough Council.

## **Digital Champions**

30. Assistant Directors/Service Managers must appoint a digital champion who is responsible for accessibility to take responsibility for service systems/forms/web pages ensuring that they meet digital accessibility compliance for their services.

To do this, Champions will be fully supported by the Operational Lead and the Digital Core Group. Service Accessibility Champions will:

- Raise awareness of accessibility within their service, so that staff understand their roles in making systems and content digitally accessible. This includes sharing all guidance, communications, and training opportunities within the service.
- Flag any changes to the list of systems in scope of this policy within their service, including each system's compliance status to the Operational Lead.
- Support System Owners within their service in their pursuit of compliance by liaising with the Operational Lead to schedule audits and plan remedial actions.

## **System owners**

31. Ashford Borough Council system owners will ensure that the digital systems under their control remain within the standards of WCAG 2.1 AA and relevant legislation. To achieve this, they must:
- Ensure their digital system or mobile application is fully compliant with WCAG 2.1 AA;
  - Ensure their digital system or mobile application matches the requirements set out in the Council's Accessibility Statement Template.
  - Put procedures in place to only publish accessible content on their system. If other services are providing content to the system owner, the system owner should make the service aware that they must only provide accessible content and can refuse to publish non-accessible content depending on their risk appetite.
  - Work with the Operational Lead to identify and monitor known accessibility issues in the form of a remedial action plan. Issues should be prioritised and resolved as part of this plan. If deadlines are provided as part of a



monitoring process, the system owner must resolve the issues by the stated deadlines.

- Work with contract managers and the Ashford Borough Council Accessibility Champions to incorporate accessibility requirements into new and existing contracts. This includes taking active steps to move websites into the Ashford Borough Council domain where appropriate. Provide information about their system's accessibility and allow access to the system for internal and external monitoring processes if asked to do so by the Operational Lead for digital accessibility and ensure that reasonable adjustments are in place for systems, for example providing accessible formats on request.

32. System owners are also responsible for the handling of any digital accessibility related complaints associated with their system(s) via the corporate complaints procedure. They should also report all such complaints to the Operational Lead for corporate monitoring purposes.

## **Procurement of Digital Systems**

33. Contract managers (or managers with contract management responsibilities) must make sure that contractors and commissioned service providers understand their responsibilities in providing digital systems that support Ashford Borough Council in meeting its obligations regarding digital accessibility. They must also ensure that any tools used to deliver such services comply with the current standards at the time. Advice can be given by the Operational Lead.

34. As part of the procurement process, contract managers should complete an Equality Impact Analysis (EIA) and check the supplier's conformity to accessibility requirements. Where a supplier does not meet accessibility requirements, tender should only be awarded if there are no suitable accessible competitors.

35. To achieve this, contract managers must ensure that appropriate clauses are included in the contract. They must then actively monitor and report on the compliance with those contractual obligations by the supplier as part of contract management.

36. Where issues are found that need funding to resolve, the contract manager and the service are responsible for managing these requirements.

37. Where products do not meet accessibility requirements, the supplier must provide evidence of their progress towards compliance. This must be actively monitored as part of contract management

38. Contract managers should seek support from the Operation Lead where they are unsure about digital accessibility compliance matters.

### **Service managers**

39. Managers, team leaders and supervisors must ensure that staff are appropriately trained to produce accessible content and that the content published (or submitted to be published) is accessible. Training materials are available on Ashford Achieve and there is a digital accessibility section on the SmartHub which provides guidance, tools and training for creating and procuring accessible content.

### **Staff creating digital content**

40. All staff are responsible for the compliance of any content they produce for a digital system, for example websites, intranets, digital document sharing platforms:
- Any multimedia & video content that is available to the public or to staff on a Ashford Borough Council digital system should have human-corrected captions
41. Staff should use the tools available on the SmartHub to make their content accessible before it is published and should seek advice from Digital Champions and then the Operational Lead if full accessibility cannot be achieved.
42. Ashford Borough Council advises that staff need to be given appropriate training on the tools and platforms they must use. Since digital accessibility is a developing area, regular training on updated technology and practice must also be provided. This training is mandatory for all staff creating digital content and must be repeated every two years.
43. In addition, any training, additional CPD opportunities or additional workload needed to use new tools and platforms should fall within staff members' current workload allocation and should not be carried out in addition to the workload already agreed by contract.

## **Reporting**

### **Internal reporting**

44. The Strategic Lead for digital accessibility & compliance will regularly report progress towards or problems with compliance to the Digital Core Group

### **External reporting**

45. Ashford Borough Council may be required to report on progress externally as part of the monitoring process or another query (such as a Freedom of Information Request). The Strategic Lead will act on behalf of Ashford Borough Council with support from the Operational Lead provide adequate and accurate information for these purposes.

### **Training and awareness**

- 46. All staff should feel confident that they know their personal responsibilities and can carry out their duties in respect of this Digital Accessibility policy. Appropriate training is available. Information, advice, and guidance are maintained on digital accessibility area of the SmartHub.

### **Policy compliance**

- 47. By performing a role or action detailed in the Roles and Responsibilities, you are deemed to have read, understood, and agreed to adhere to this policy.
- 48. If you do not understand the implications of this policy or how it may apply to you, ask for advice from James Sloan (Operational Lead) or Ben Robinson (Strategic Lead).

## Equalities 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*

<b>Lead officer:</b>	Ben Robinson
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	To adopt this Policy which ensures that all web-based content and mobile applications that it funds, develops or controls meet the requirements set out in the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 (“The Regulations”). This includes making reasonable adjustments where appropriate under the Public Sector Equality Duty and the Equality Act 2010.
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	

<p><b>Summary of the proposed decision:</b></p> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p>This policy aims to outline the Council's responsibility to fully conform to the Web Content Accessibility Guidelines (WCAG) version 2.1 Level AA and sets out the principles we must follow to ensure that information is made accessible.</p> <p><b>WCAG defines how to make web content more accessible to people with disabilities.</b> Accessibility involves a wide range of disabilities, including visual, auditory, physical, speech, cognitive, language, learning, and neurological disabilities.</p>
<p><b>Information and research:</b></p> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	<p>Work has taken place alongside the Kent Digital Accessibility Group to align this policy across Kent Districts.</p> <p>Ashford already supports the principles set out by WCAG 2.1, and its website has been audited for compliance with any issues resolved within the 12 week period.</p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>N/A</p>
<p><b>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.</b></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>	

<b>Protected characteristic</b>	<b>Relevance to Decision</b> High/Medium/Low/None	<b>Impact of Decision</b> <b>Positive</b> (Major/Minor) <b>Negative</b> (Major/Minor) <b>Neutral</b>
<u>AGE</u> Elderly	Low	Positive
Middle age	None	Positive
Young adult	None	Positive
Children	None	Positive
<u>DISABILITY</u> Physical	High	Positive
Mental	Medium	Positive
Sensory	High	Positive
<u>GENDER RE-ASSIGNMENT</u>	None	Positive
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Positive
<u>PREGNANCY/MATERNITY</u>	None	Positive
<u>RACE</u>	None	Positive
<u>RELIGION OR BELIEF</u>	None	Positive
<u>SEX</u> Men	None	Positive
Women	None	Positive
<u>SEXUAL ORIENTATION</u>	None	Positive
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Positive
Former service personnel	None	Positive
Service families	None	Positive

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



3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes
<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>• 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.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p><i>The accessibility policy can offer a positive impact for all and become an integral part of 'how we do things' and is based around making our digital services accessible for all.</i></p> <p><i>The risk in not having or a failure to adhere to the policy could result in reputational damage and financial loss.</i></p> <p><i>The Digital Core Group is accountable for ensuring that Ashford Borough Council adheres to The Regulations. With the Digital Transformation Manager will develop a suitable strategy and framework to support Ashford in meeting its accessibility goals and monitor its implementation.</i></p>
<b>EIA completion date:</b>	16 <sup>th</sup> January 2023

## Review of Policy

49. The next scheduled review date will be in January 2025.

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ASHFORD  
BOROUGH COUNCIL

**Agenda Item No:**

**Report To:**

Cabinet

**Date of Meeting:**

30<sup>th</sup> March 2023

**Report Title:**

## **International Film Studios Newtown Works**

**Report Author:**

Ben Lockwood – Deputy Chief Executive

**Job Title:**

Paul McKenner – Head of Strategic Projects

Andrew Osborne – Head of Economic

Development

**Portfolio Holders for:**

Cllr Clarkson

Executive Leader of the Council

Cllr Iliffe

Portfolio Holder for Economic Development

Cllr Shorter

Portfolio Holder for Finance, IT and Digital

### **Summary:**

The TV and film studios will bring significant benefits to Ashford in terms of investment and job creation and will play a key role in our economy's prosperity. This development will be one of the most important economic drivers for the borough.

The UK Film and TV sector is thriving contributing £14.9bn of output in 2019, an increase of 89% over the space of 5 years. The British Film Institute forecasts the requirement for 10,000 new employees in this sector over the next 5 years, and Lambert Smith Hampton have forecast the need for 2.3 m sq ft of new studio space over the next 15 years.

It is pleasing to report the Ashford International Development Company (AIDC) has received a significant offer for 202 of the 302 residential units and is working through the final stages of its due diligence to formalise the transaction.

In looking for the next phase of the development, AIDC have been working to secure interest from

the Film and TV industry for a studio operator, and we are pleased to report they have engaged with a leading global studio operator.

They would work alongside the East Kent College Group facility to develop a curriculum and training programmes to support the development of the local workforce, providing the talent required by the studio operator and the production companies renting the studio space.

This development provides the opportunity for Ashford to make an economic step change embracing a national growth sector. The approach set out in this report would allow the Council control over a key development site and influence any scheme that comes forwards.

With the Council's support, together with the successful Levelling Up funding from central Government, provides a once in a generation opportunity to redevelop this nationally significant railway heritage site into a thriving economic driver for the area.

This report will agree the funding for the Studios phase of the Newtown Works development, and to note Ashford international Development Company is in negotiations with a major studio operator.

**Key Decision:** YES

**Significantly Affected Wards:** All but specifically Aylesford and East Stour

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

- 1. Agree in principle that a Loan Facility be made available to the Ashford International Development Company for the construction of the International Film Studio and workshop space to value of £50,000,000 subject to the terms set out in paragraph 17 of this report and subject to the completion of the due diligence process set out below and to the granting of planning permission satisfactory to the film studio operator.**

2. Agree that the loan facility for the International Film studio and workshop will either be repaid on completion of the works from the sale proceeds or through a lease to an operator on a long-term basis.
3. Agree to financially support the Ashford International Development Company at risk to proceed with the redesign of the studio facility (subject to the Chief Executive being sufficiently confident that the overall deal is secured) up to the value of £30,000 in order to submit a revised planning application. This cost would initially be met from an allocation within the Business rate retention reserve.
4. Delegate responsibility for finalising the deal and sign-off to the Chief Executive taking into account the recommendations of a Due Diligence Working Group which will include the Leader, the S151 Officer, the Solicitor to the Council, the Chair of Overview and Scrutiny, and Portfolio Holders for Finance and ICT and Economic Development.
5. Agree to allocate a budget of £100,000 to carry out the due diligence required to finalise the transaction.
6. Authorise the Solicitor to the Council and Monitoring Officer to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

#### **Policy Overview:**

This Project is a key priority of Ashford Borough Council's Corporate Plan, and the Council's aspiration for Targeted Economic Growth to improve the prosperity and productivity within the borough and is one of the Council's Super Six projects.

Newtown Works has the potential to deliver on the ambitions for recovery at a local, regional and national level. Within the Council's Corporate Plan 2022-24 (agreed at Cabinet in Nov 2021), this document sets out the Council's strategic focus for the next few years and longer-term aims, with enabling the delivery of the Newtown Works

development as a key Strategic Project. This project supports the delivery of two of the key themes, of Targeted Growth, and Caring Ashford. This project is integral to the success of achieving the longer-term aspiration of Targeted Growth within the Borough, bringing new knowledge based jobs into the area, but also supports the development of skills in the local workforce, supporting the Caring Ashford theme.

The Kent and Medway Economic Renewal and Resilience Plan (August 2020), also sets out plans for recovery of the whole County. The plan has a number of priorities for action including, “Channel 3: Business: Supporting innovative and resilient businesses to drive future growth”. Within this priority it recognises the importance of the Creative Industries as a driver for growth and increased productivity, the development of a more highly skilled workforce, and the importance of realising investment opportunities such as Newtown Works.

The regional Southeast Local Enterprise Partnership’s (SELEP) Covid 19 Economic Response Statement recognises the role of groups like the Southeast Creative Economy Network in driving recovery through investment and support for the creative industries. The SELEP also launched the Southeast Creative Economy Network, and its plan The Thames Estuary Production Corridor, The Case for Investment, in July 2020. This plan includes both the New Creative Laboratory anchored by Jasmin Vardimon Company, and the Newtown Works development as two key Ashford projects to deliver these regional strategic plans for this important sector.

**Financial Implications:**

The Council will approve a loan facility of £50m for the Ashford International Development Company (AIDC) to allow it to bring forward the International Film Studio and workshop development phase of the project.

On completion the company will either

- sell the development to the operator or
- enter into a lease with the operator

AIDC will continue to bring forward proposals for the development of the remaining elements of the site for Cabinet and Council to consider extending/increasing the loan facility.

**Legal Implications:**

The Council has the necessary legal powers to provide the loans set out in this report. In particular, the General Power of Competence set out in the Localism Act 2011.

Following the coming into force on 4<sup>th</sup> January 2023 of the newly enacted Subsidy Control Act 2022, there is no longer an exemption for the audio visual sector, therefore the Council ought to ensure that where possible the loan is granted on market terms and in accordance with the legal obligations of the domestic subsidy control regime so as to ensure that the grant does not provide an economic advantage to the film studio provider i.e., does not constitute a subsidy. If the terms of the proposal are not considered to be market terms and are to be considered Subsidy, these would need to be assessed against the subsidy control principles and prohibitions to ensure compliance with the Subsidy Control Act 2022.

**Equalities Impact Assessment:**

Not Required because the report deals with a property transaction and its financing.

**Data Protection Impact Assessment:**

None – the proposal does not impact on any of the council's Data processing or management arrangements.

**Risk Assessment (Risk Appetite Statement):**

A risk assessment is included in the report and covers the various areas of risk that need to be considered and managed with this proposal.

The key risks at this stage are to ensure that the Council is comfortable with the value placed upon the investment, the legal risks related to the due diligence and the reputational risk to the Council faced by this action or inaction on this matter.

**Sustainability Implications:**

The Proposal will secure the redevelopment of a key brownfield site and with its decontamination and protection of the listed buildings on the site.

**Other Material Implications:**

None

**Exempt from Publication:**

**Exempt Appendix not for Publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information**

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## **Report Title: Newtown Works**

### **Introduction and Background**

1. The Council has previously approved a joint venture partnership with Quinn Estates and the Council has become 65% shareholder of the Ashford International Development Company (AIDC) with Quinn Estates having the remaining 35% shareholding.
2. It is pleasing to report the Company has received a significant offer for 202 of the 302 residential units and is working through the final stages of its due diligence to formalise the transaction. The proposal for the sale was considered by Trading and Enterprise Board in January 2023 and was satisfied the terms were acceptable from the majority shareholders perspective. In doing so this would significantly de risk the project from the Council's perspective.
3. In looking for the next phase of the Development, AIDC have been working to secure interest from the Film and TV industry for a studio operator following the Creative District Improvement Company no longer being involved, and we are pleased to report the company has engaged with another leading global studio operator
4. With the initial advice received from Lambert Smith Hampton (LSH) to explore the viability of the studios. The Report concluded that there was a strong market for studio space in the UK however there were significant risks to the Council should it proceed (financial, operational) and the Studios would not proceed without Council support. However, the report highlighted that the Studios presented a unique opportunity for the Borough's local economy.

### **Newtown Works – Local Context**

5. The details of the project have been reported in detail in earlier reports. In summary the Ashford International Studios / Newtown Works project will regenerate a 4.8-hectare brownfield site with 5 grade II listed buildings in the heart of Ashford town, into a dynamic Ashford International Film Studios and residential development, responding to the high demand for studio space nationally.
6. The development will convert the former Newtown Railway Works, with the longest listed railway buildings in the country, into 302 homes and commercial space including new purpose-built film studios, workshops, production offices, and a ground-breaking Creative Industries and Digital Industries skills and education centre. This whole Newtown Works project will deliver approximately 2,000 direct and indirect jobs in the creative and associated industries as well as 200 learners a year, supporting the transformation of the Ashford economy in East Kent, and delivering studio space to support a thriving TV and Film industry nationally.
7. The proposed studio operator would work alongside the East Kent College Group facility to develop a curriculum and training programmes to support the

development of the local workforce providing the talent required by the studio operator and the production companies renting the studio space.

8. Images of the proposal are reproduced below.



9. This Project remains a key priority of Ashford Borough Council's Corporate Plan.
10. This development will enable Ashford to become the key focal point for Film and TV production in Kent, complimenting and connecting with the growing film industries network and facilities in the wider Southeast areas.

11. The likely economic and cultural impact to Ashford and wider-Kent is likely to be sizable, with productions having a trickle-down effect, such as:
- Creating new jobs for the UK film and production sector.
  - Attracting and increasing creative enterprises in Ashford, as well as ancillary suppliers to the area such as builder's merchants, hardware stores, fabric suppliers and catering teams.
  - Retaining and attracting skilled producers and crew to live in the area.
  - Providing a local and well-connected educational pathway into the creative industries, developing the next generation of creative talent in Ashford.

## **Proposal**

12. Planning permission was granted for Film / TV Studios with associated post-production offices and workshop and media village.
13. The Ashford International Development Company would seek to procure a professional team to redesign the studio scheme through all stages of design, subject to planning approval for the amended scheme.
14. Quinn Estates in their capacity as Development Managers is well placed to continue the negotiations with the operator and will be and continue to liaise with the Ashford International Development Company at each stage of the negotiation.
15. The discussions with the market indicate that a smaller and modified studio facility than originally agreed is preferable. This would result in relocating the workshop closer to the studio space and have suggested an amended scheme for the Council to consider.
16. The modified scheme will require a non-material amendment to be formally submitted by the Ashford International Development Company after Cabinet have approved the principle of the proposal and negotiations proceed with the operator to a place where there is sufficient confidence that they will take occupation.
17. The financial proposal is for the Ashford International Development to borrow up to £50m from the Council at a rate to be agreed by the S151 officer with both an arrangement fee of 1% and at a commercial rate through the form of a development funding agreement both of which are on commercial terms.
18. The Development Company will seek to agree a deal for the studio and workshop, this will require:
- a. Heads of Terms (HoT's) to be agreed between an operator and AIDC to the satisfaction of the Chief Executive in consultation as per recommendation 4.
  - b. designs would need to be amended to reflect the current requirement – and this will be achieved within the current footprint.

19. Once ready to do so, AIDC would then agree proposals for the multi storey car park, hotel, serviced apartments and the remaining commercial space, a further request for funding will be made. This would be subject to a Council Decision.

## **Due Diligence**

20. A deal of this nature is complex and will require a significant amount of due diligence work to be completed before both parties are able to proceed with the transaction. The following are several areas of focus for this work, but it is not exclusive.
21. There are considerable areas of work required to satisfy the Council that the proposal is viable and to develop a clearer understanding of the potential operator and their ability to complete the transaction and run the facility. There will be a need to seek external support as well as utilising in-house resource to complete this work.
22. It is key that the Council seeks validation of the technical aspects of the development, updating the cost appraisal, site valuation for the studio and workshop.
23. It is anticipated that there will be several aspects of this work and initially this would include:

### *Levelling-Up Funding*

24. See Exempt Appendix.

### *Subsidy Control and Best Consideration*

25. A subsidy will arise where all the limbs of the test in Section 2 of the Subsidy Control Act 2022 (SCA) apply to the financial assistance being provided. Whilst under the EU-UK Trade and Cooperation Agreement there was an exemption for the audio-visual sector, this was not incorporated into the SCA and as such, the Council can no longer rely on this exemption and instead must apply the provisions of the new domestic regime. External lawyers have identified the following areas which the Council should keep under review:
26. The £50 million loan: A subsidy will not arise if the Council can demonstrate that the loan is on market terms.
27. The £30,000 financial support to AIDC for the redesign of the studio facility: This could potentially be provided in reliance on the Minimal Financial Assistance Exemption in section 26 of the SCA.

### *Sale of the film studios*

28. A key piece of work is understanding the value placed upon the completed development, this will allow the Council to meet its requirements in terms of Section 123 of the Local Government Act and the new Subsidy Control arrangements. As part of its due diligence, the Council intends to commission an external RICS valuation and, once the terms of the transaction are finalised, it will instruct an external solicitor to undertake an assessment to ensure the transaction complies with the subsidy control rules.



### *Development Proposals*

29. Work will need to be done on the development proposals to ensure that they are deliverable, represent value for money and will deliver an acceptable level of return. Therefore, we will need to review the development appraisal, cash flow and valuation of each element of the scheme. The phased approach would also need to be consistent with any restrictions on the planning permission.
30. As funder the Council will also need to implement similar controls that are in place for the residential proposal which the Council used to protect its interests, so this will be some form of control over the contractors appointed, step in rights and warranties. It will need to put in place some form of fund monitor to make sure that funding is released only where works have been completed.

### *Due Diligence Structure/process*

31. As previously reported, approval is being sought for a sign off process similar to that employed during the completion of the agreement for the residential phase of this development. Cabinet approval for the transaction is sought in principle, subject to completion of satisfactory Due Diligence, and it is proposed that this decision is delegated to the Chief Executive in consultation with the Leader and a Due Diligence task force Group (including key Members and Key Officers).
32. The Group, once established, can meet, and review due diligence reports to ensure that members are comfortable with the terms of the transaction and the risk profile of the deal.
33. ABC governance and reporting arrangements duplicate those already in place for the residential development.
34. Members have been previously advised on the changes that have been made to PWLB lending terms. Officers have sought advice from Arlingclose and the proposal to fund the studio and workshop development element of the site is in accordance with PWLB guidance.
35. The Studio and workshop would be viewed as Economic Development and Regeneration works. A requirement would be placed on the council by the PWLB that any return on this activity is reinvested in the Borough. If this is accepted, then this would be allowable within the current guidance.

### **Financial Model**

36. The Company (AIDC) will generate revenues from the sale or lease of the development in this particular case. The Council as 65% shareholder will be entitled to its share of any profits generated.
37. The Council would potentially make a return on the loan provided to AIDC:
  - a. Similarly, to financing the property company; the Council would be lending to the Company at commercial rates and will finance this through borrowing, current rates are lower than the commercial rate applied to

the residential development. The interest cost benefit to the Council is in the region of £400,000.

38. The figures in this appraisal are subject to review, the valuation of the phases of the development will be tested and the cost model is being updated and reviewed and therefore the numbers are subject to some changes. The model is completed on Stage RIBA2 plans and therefore have risk allowances built into them to cover uncertainties that will be clarified as the design is developed further.

## **Risk assessment**

39. This is a Complex project over a number of phases and at this stage the risk assessment is looking to capture an understanding of the high level risks and their mitigation strategies.
- a. For this part of the development there are particular site risks, most notably contamination and site access. Much work has now been completed and the work to get to a RIBA 4 design stage will develop this further. The main mitigations are to make sure that the site and proposals are understood before development commences. The levelling up funding will improve profitability and deliverability of the site into more accepted norms reducing this risk.
  - b. The cost of the construction is higher than values. The Council has an experienced partner who is used to managing costs and making a return. However, work will need to be done to make sure that there is transparency over the construction contract and to make sure that there is a way of ensuring that value for money is achieved at each stage. The levelling up funding partially mitigates this risk, subject to the terms of the LUF Funding. Work will also need to be done to fully understand the development costs as the scheme is worked up to a RIBA 4 design. The construction risk could also be managed through the type of construction contract sought.
  - c. Studio Market – The Operator will need to be signed up to a binding, conditional contract to purchase or lease the site upon completion of the construction.
  - d. Contractor failure is a key risk for all development projects and there is always a risk that the contractor fails. This is normally managed through vetting of contractors, managing the payment process to make sure that payment is made for works satisfactorily completed, and finally through collateral warranties and step in rights.
  - e. Legal arrangements of this nature need thorough legal due diligence to ensure that the objectives of the Council can be delivered, and the risks are managed where possible.
  - f. Reputational risk is a key consideration at this stage and one highlighted in the Lambert Smith Hampton (LSH) report. On the one hand the Council will be funding the delivery of a key regeneration project that has the potential to provide a step change in the local economy whilst ensuring the

protection of key heritage assets of the town. However, on the other hand there is the risk that the development does not deliver on expectations.

40. Members should note that a key risk mitigation is that the risks are shared with Quinn Estates, the Council's fellow shareholder in AIDCo., who is also the development manager. Therefore, the Council's exposure is limited to 65% of the risk. Quinn Estates has an interest in maintaining the longer-term viability of the site and its operation as it moves from a development phase to maturity.
41. The main mitigation for these risks will be not to release significant funding to the project until the Chief Executive, in consultation with the Leader and the Due Diligence working group, is satisfied that there is sufficient confidence in the deal to warrant further investment. For this reason, the advance of up to £30,000 for design/planning fees is dependent upon a sufficient level of security of the overall deal, and the main loan agreement will not be signed until key project risks, including the outcomes of due diligence, have been managed.
42. Should the commercial elements of the scheme prove to be un-viable and undeliverable and the proposed loan not proceed, the site could revert to a residential development, but this would likely see the loss of some or all of the Levelling Up Funding for the scheme.

### **Equalities Impact Assessment**

43. Not applicable at this stage as the report relates to a loan/commercial deal and not a policy.

### **Consultation Planned or Undertaken**

44. None other than that needed for the planning process.

### **Other Options Considered**

45. The Council could choose to do nothing, and AIDCo could seek 3<sup>rd</sup> party funding. This could lead to a missed opportunity to deliver a high skill high wage industry in the town with the ensuing benefits that would follow.

### **Reasons for Supporting Option Recommended**

46. This is a significant brownfield site that has sat dormant for approximately 35 years, the planned residential development will enable the retention of nationally significant railway heritage assets.
47. This second phase of the development will be a significant economic driver for the borough, helping to resolve the challenges of low earnings and skills levels, and high unemployment in neighbouring wards in urban Ashford. The UK Film and TV sector is thriving contributing £14.9bn of output in 2019, an increase of 89% over the space of 5 years. The British Film Institute forecasts the requirement for 10,000 new employees in this sector over the next 5 years, and Lambert Smith Hampton have forecast the need for 2.3 m sq ft of new studio space over the next 15 years.
48. This development provides the opportunity for Ashford Borough to make an economic step change embracing a national growth sector. The approach set

out in this report would involve the Council in funding a key development scheme coming forward. The delivery of the Studios represents a key corporate objective for the Council.

49. This report is a necessary step in the process of securing a deal with an operator and provides confidence that should an operator agree to purchase/lease the studios the company has (subject to the completion of due diligence and the grant of satisfactory planning permission) the necessary funding in place to deliver the development.

## **50. Next Steps in Process**

51. To progress the scheme further officers will need to commence the Due Diligence process, initially reviewing the developer's documentation and where necessary commissioning a 3<sup>rd</sup> party to review the information.
52. Agree a timetable with AIDC for the completion of the Due Diligence process.
53. It is proposed that a Working Group is established to ensure Statutory Officer and Member oversight of the due diligence process. Nominations will be sought from the Leader for this Group, but its membership must include the Leader, Chair of Overview and Scrutiny and the Portfolio holders for Finance and ICT and Economic Development.
54. At certain points in the project further reports will be made to members to trigger additional phases of the site-wide overall development.

## **Conclusion**

55. This scheme, subject to an amended planning consent, for the Studio and workshop space, with a reputable studio operator and the Council's support together with the successful Levelling Up funding bid provides a once in a generation opportunity to redevelop this nationally significant railway heritage site into a thriving economic driver for the area.
56. The development will continue to be phased to allow the Council the opportunity to consider and manage risks at each stage of the development.
57. The proposed outcomes of the full scheme will deliver a significant economic boost to the borough, secure a key heritage asset and regenerate a major brownfield site in the town.

## **Portfolio Holder's Views**

**Cllr Clarkson, Executive Leader of the Council** I can say to colleagues that this is one of the most important development projects in our Borough, and can be a catalyst that adds to and drives our economic growth. This report is informative and lays out the way forward. I commend the six recommendations to Cabinet Colleagues.

**Cllr Neil Shorter, Portfolio Holder for Finance and ICT** – "The proposals within this report represent an evolution of the original design and concept when we entered into this project. I am very supportive of the contents of the report, look forward to the due diligence process. I congratulate our officers, the AIDC including the development partner Quinn Estates for progressing the project to this point."



## **Cllr Nathan Iliffe, Portfolio Holder for Economic Development**

This project is one of the most exciting economic projects for the Ashford Borough in recent years. This development is going to become a significant driver of economic growth within Ashford as one of the Council's Super Six projects. Newtown Works has the potential to deliver on the ambitions for recovery at a local, regional and national level. These ambitions are outlined within the Council's Corporate Plan and supports two of the key themes of the plan – Targeted Growth and a Caring Ashford. This project has the added benefit of regenerating a brown-field site, close to the town centre that has laid dormant for many years, as well as preserving significant buildings that contribute to the historic fabric of Ashford for generations to come.

I congratulate and thank our officers for their hard work and efforts to bring the project to this stage. I commend the six recommendations outlined in the report to Cabinet Colleagues.

## **Contact and Email**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
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## Joint Transportation Board

Minutes of a Hybrid Meeting of the Joint Transportation Board held in Committee Room 2, Civic Centre, Tannery Lane, Ashford on the **7<sup>th</sup> March 2023**.

### **Present:**

Mr P Bartlett (Chairman) - KCC;  
Cllr B Heyes (Vice Chairman) - ABC;

Cllrs Barrett, Feacey, Meaden, C. Suddards – ABC.

In accordance with Procedure Rule 9.3, Cllr. Barrett attended as Substitute Member for Cllr. Link.

Mr S Campkin, Mr D Robey, Mr C Simkins – KCC.

Mrs C Drury, Mrs A Hicks, Mr A Rogers – KALC.

### **Apologies:**

Cllrs Cornish, T Heyes – ABC.

Mrs C Bell – KCC.

### **Also present:**

Cllr Wedgbury – ABC.

### **In Attendance:**

Safety and Wellbeing Manager; Member Services and Ombudsman Liaison Officer;  
Member Services Officer - ABC.

### **In Attendance (virtually)**

Cllrs Ledger, Wright - ABC.

Mr M Hill – KCC.

Policy and Democratic Services Assistant – ABC.

Highway Manager (Ashford); Network Manager – KCC.

## **336 Declarations of Interest**

Feacey	Made a Voluntary Announcement as he was on the Management Committee of UKLPG and Chairman of the Ashford Volunteer Centre.
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### **337 To approve the Minutes of the Meetings of this Board held on 6th September 2022 and 6th December 2022**

**Resolved:**

**That the Minutes of the Meetings of this Board held on the 6<sup>th</sup> September 2022 and 6<sup>th</sup> December 2022 be approved and confirmed as a correct record.**

### **338 Stagecoach Verbal Update**

The representative from Stagecoach was unable to attend the meeting but he provided a written update to the meeting, which was read out by the Safety and Wellbeing Manager. The details were as follows:

- Overall passenger numbers were still only at around 80% of pre-pandemic figures, with the elderly concession pass holders lagging behind at around 70%. Coupled with cost increases of c20%, the Ashford operation was still not sustainable; the current short-term government funding helped but would expire at the end of June. Stagecoach were starting now to look at what a sustainable network might look like.
- Stagecoach were participating in the national £2 maximum fare scheme which had also now been extended to the end of June.
- Local operational issues - the A2070 works had displaced traffic around the town at various times; other short term surprise roadworks had on occasion crippled the road network. The Stagecoach MD wrote a blog highlighting the difficulties faced with the explosion of street works recently and especially the attitude of utility companies and their contractors who did not always use traffic management/carry out the works as permitted by KCC. Stagecoach had seen significant anti-social behaviour, particularly in Kennington and Bridgefield. Buses had had to be withdrawn from both locations at times in order to ensure the safety of staff and customers. The failure to manage the bus gate in Beaver Road had seen widespread abuse of this illegal short cut although Stagecoach were assured that camera enforcement would be introduced here, possibly in early summer.
- Stagecoach awaited further camera enforcement at the Bridgefield - Finberry bus only link. It had not been possible to provide a service to Finberry because of this delay.
- Stagecoach noted the delay to the section 106 requirement to provide bus services at Chilmington Green and were dismayed to hear that ABC allowed the developer to block purchase parking spaces close to Ashford International on a temporary basis in lieu of the requirement to fund a bus service.

The Chairman opened up the item for discussion and the following points/questions were raised:

- In response to a question regarding the operation of the G-line bus service, the Safety and Wellbeing Manager agreed to seek clarification on the situation regarding the future of the service and potential termination date.
- A Member asked about the reduction in passenger numbers since the pandemic and the Safety and Wellbeing Manager advised that, according to Matthew Arnold's update, passenger numbers were 20% reduced.

### **339 Highway Works Programme Update**

Members noted the Update report from the KCC Highway Manager (Ashford) and the Chairman opened up the item for discussion. The following points/questions were raised:

- A Member said that he had had difficulty using the KCC website to check progress on street lighting repairs and that it was very frustrating trying to use the system. The Chairman suggested that he should write to the appropriate KCC Member and ask her to follow up on this issue. The Member also asked who was responsible for litter collection on the A28 and the Chairman advised that the Member should contact [streetscene@ashford.gov.uk](mailto:streetscene@ashford.gov.uk).
- The Chairman raised the issue of the A2070 National Highways project, which had been notable for delays, spelling mistakes and design issues. He asked Board members to authorise himself and the Vice-Chairman to contact the contractors/promoters of the scheme to ask for an explanation of delays to the project. He also asked colleagues to write to himself and the Vice-Chair to suggest points to be raised and any problems of which they were aware.
- In response to a question, the Chairman confirmed that the traffic lights would be intelligent.
- The Chairman also noted that there would be a closure of Church Road in Mersham to coincide with the beer festival in the area. He asked officers to investigate whether there could be a small delay in the road closure to avoid the festival.
- A KALC representative asked whether there could be a review of current requests for pedestrian crossings at a future meeting, and Members noted that there was an ongoing issue regarding the placement of a pedestrian crossing in Bethersden. The KCC Highway Manager (Ashford) was asked to note the comments and report back to a future meeting.
- A Member asked if frontline services were at risk due to budgetary pressures on highways. He wondered if this would have an adverse effect on the quality of the roads. The Chairman said that frontline services were not at risk and

he asked the KCC Highway Manager (Ashford) to liaise with David Brazier to give an assurance that this was not the case.

- A Member asked about the technology used to repair roads and the KCC Highway Manager (Ashford) was asked to provide a response in due course regarding the evolution of the technology used.

#### **Resolved**

**That the report be received and noted.**

### **340 Parking and Waiting Restrictions Update**

Members noted the Update report and the Chairman said he was very pleased to see that 3 parking spaces had been provided in Tannery Lane.

#### **Resolved**

**That the report be received and noted.**

### **341 Moving Traffic Enforcement Update**

The KCC Network Manager introduced the report and drew Members' attention to the key points. The Chairman opened up the item for discussion and the following points/questions were raised:

- In response to a number of questions, the KCC Network Manager advised that the commencement of enforcement was currently expected to take place late August when a service delivery provider would be in place. In the meantime, design works were being undertaken in preparation for enforcement to begin. With regard to Finberry, this was in the pipeline but it was necessary to provide justification for the scheme, together with evidence and documentation for any potential appeals. Preparatory design work was underway, together with legal discussions with National Highways. The KCC Network Manager explained that there was a complication with Bluebell Road Bridge over the A2070 because the bridge itself was owned by National Highways, but KCC owned the areas of land where the expansion joints were sited. It was possible for KCC to enforce either side of the bridge but not the bridge itself. This would be part of legal discussions with National Highways.
- A Member noted that on the bus service from Finberry to Bridgefield, there was a chicken and egg situation between Stagecoach and KCC regarding provision of bus service and provision of enforcement cameras. The Chairman suggested that if Stagecoach were to write to KCC and confirm that they were willing to extend the link if KCC would enforce the link, KCC might be willing to take that as evidence of sufficient demand for the service.
- A Member raised the question of allowing private hire vehicles through bus gates. It was noted that residents paid much higher fares for private hire



vehicles, which had to go round bus gates, than hackney carriages, which could use them. The KCC Network Manager said this was a contentious issue. KCC wanted to avoid any ambiguity about vehicle access through bus gates and considered that allowing private hire vehicles to use the bus gates could lead to confusion in the public's mind. He said this could be changed, if deemed appropriate, by senior management following consultation. A Member said the current arrangements could be considered discriminatory to passengers and some consideration should be given to allowing private hire vehicles through bus gates for this reason. The Chairman stressed that it was a driver decision whether to seek a licence as a hackney carriage or not, and that there were technical complications with allowing private hire vehicles access. He asked the KCC Network Manager to respond in due course to the points made by Members on why this particular approach had been taken and to identify the key decision-maker. The KCC Network Manager replied that this was the KCC Parking Manager.

### **Resolved**

**That the report be received and noted.**

## **342 Kent Bus Stops and Enforcement**

The Chairman introduced the report and opened up the item for discussion.

- Members noted that there were two particularly contentious bus stops in High Halden and Faversham Road. A Member asked whether KCC were required to consult residents on the use of bus stops and the Chairman replied that this was not the case. The Member said it would be interesting to know the criteria used by KCC to decide whether or not they would consult local residents as this was not covered in the report.
- A Member asked for it to be noted that a bus stop in High Halden was causing long queues and blocking the pub access road at peak times. He said he would provide photographs to the report author so the full extent of the problem could be seen.

## **343 Active Travel Update**

The Chairman introduced this report and said it was positive news to see that KCC were taking forward route 5, although it was not known whether this would be approved nationally.

A Member asked about electric scooters and the Safety and Wellbeing Manager explained that Canterbury City Council were undertaking a trial on behalf of the Government, and for this reason scooters were permitted in parts of the city. However, outside of trial areas, including Ashford, the use of scooters was illegal. A Member questioned whether the trial in Canterbury was in the city centre only or the whole district. The Safety and Wellbeing Manager undertook to find out more

details. In response to further question, she said that she believed this only covered hire scooters.

### **344 Involvement in the highway aspects of planning applications**

The Chairman noted the report and opened up the item for discussion. The following points/questions were raised:

- A KALC representative said that it was essential to seek local feedback on planning applications as it was relevant to decisions taken. It was important that matters were debated fully. A Member said that he agreed with this viewpoint and that negating feedback from local residents was arrogant.
- A Member pointed out that the report stated that commercial viability was of the utmost importance to KCC and he questioned why this was not the case at Ashford. A KALC representative said commercial viability was not a material planning consideration under the National Planning Policy Framework.
- A Member raised point 1.13 and said that transport modelling was in crisis. It was non-existent or outdated. He considered that the report was whitewashing the modelling situation.
- The Chairman said he and other County Members would speak to the author of the report.

#### **Resolved**

**That the report be received and noted.**

### **345 Key dates for meetings 2023/24**

#### **Resolved**

**That the dates be received and noted.**

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## **Climate Change Advisory Committee**

Notes of a Virtual Meeting of the Climate Change Advisory Committee held on the **2<sup>nd</sup> February 2023**.

### **Present:**

Cllr. Buchanan (Chair);  
Cllr. Feacey (Vice-Chair);

Cllrs. Anckorn, Blanford, Campkin, Ledger.

### **Also Present:**

Cllr. Wright.

Head of Policy & Performance, Climate Change Manager, Project Manager Carbon Neutrality, Senior Climate Action Officer, Housing Development & Regeneration Manager, Property Building Services Manager, Member Services Officer.

## **1. Declaration of Interest**

- 1.1 Cllr. Feacey made a Voluntary Announcement, as he was on the Management Committee of UK LPG, the Managing Director of Energyshift, Chairman of the Ashford international development company and Chairman of the Ashford Volunteer Centre.
- 1.2 Cllr. Campkin made a Voluntary Announcement as a Councillor for KCC.

## **2. Minutes of Previous Meeting**

- 2.1 The Minutes of the Meeting held on 17<sup>th</sup> November 2022 were agreed as an accurate record.
- 2.2 The Vice-Chair asked about the Sustainable Warmth Scheme and the Climate Change Manager advised that she would share the information she had received back from the Comms team with Cllr. Feacey.
- 2.3 An update relating to water savings on allotments would be given at the March meeting.

## **3. Water butt project - South East Waster Collaboration**

- 3.1 The Senior Climate Action Officer introduced this item and gave a presentation to the Committee that covered the following subjects and points:
  - Project background

- Project details
- Outcomes
- Why a partnership approach
- Costs
- Measurement of Project

3.2 The item was opened up for discussion and the following points were made:

- The Committee thanked the Senior Climate Action Officer and Climate Change Manager for their efforts in bringing the project to fruition.
- The Water butts would be standard size of 100L and the cost of each water butt was £37.99, including the stand and installation kit.
- In terms of supply and demand, SE Water would invoice ABC monthly after requests were received. If there were no take-up, there would be further comms regarding the social tariff and the positive impact.
- The communications information would include the fact that the water is not for human consumption.
- The Chairman applauded the scheme and highlighted that it was prudent to promote going into spring and then autumn.
- It was confirmed that all tenants would be advised to seek permission to install the water butts from their landlords. The Housing Team had highlighted that some properties were unsuitable for them. Information around how to install the water butts would also be provided, to minimise the risk of damp or other problems. It was noted that the Housing team already offered water butts to tenants in suitable properties when any guttering repair or replacements works took place as a matter of course.

**Resolved:**

**That the Presentation be received and noted.**

## **4. Heat Networks - The Ashford opportunity**

- 4.1 The Climate Change Manager gave a presentation to the Committee about Heat Networks and low carbon heating for Ashford. The presentation included slides that covered the following subjects and points:

- Water heated at Energy Centre and distribution
- Heat can be used from a variety of sources
- Benefits of Heat Networks
- Ashford opportunities
- BEIS Funding stages

4.2 The Chair opened up the item for discussion and the following points were made:

- Funding had not yet been secured and therefore the project was still at the discussions stage.
- In response to a question asking about the feasibility to retrofit heat networks to properties, it was confirmed that ground source pumps could be used in such instances as boilers could be removed and replaced with the pumps.
- The Vice-Chairman confirmed that a low carbon solution would be sought for Newtown Works.
- A Member asked were there sufficient resources/staff to undertake the work correlating to the 2025 target for all new build houses to include alternative heat systems (not gas boilers). The Climate Change Manager explained that 2025 was Central Governments ambition, and Building Regulations changes would run alongside that. Comms were vital to relay the correct message to the public.
- Current estimates were that residential properties could secure heating, hot water and potentially cooling from a network at £30-40 per month. This was anticipated to be metered, which would monitor usage. The electricity charge would be surplus.

**Resolved:**

**That the Presentation be received and noted.**

## **5. Climate Action delivery update**

5.1 The Climate Change Manager, Project Manager Carbon Neutrality and Housing Development & Regeneration Manager gave a presentation to the Committee about the current work being undertaken within the Climate strategy. The presentation covered the following areas:

- Making the transition to Net Zero
- Delivering low carbon services

- Campaigns and Comms
- Website landing page
- Big Green Week – June 10<sup>th</sup> to 17<sup>th</sup>
- Housing Update

5.2 The Chair opened up the item for discussion and the following points were made:

- The Stour Centre solar array would be carports, designed to go over the car parking spaces and a Member suggested planting be incorporated, to produce a bio-diversity gain. Carports were deemed beneficial on multiple levels, and provided a higher output.
- The Social Housing Development Fund announcement was behind schedule, but it was not anticipated to impact the ongoing work of retrofitting council properties. The funding would enable the work to be undertaken twice as fast, and within the current deadline.
- In response to a question concerning sufficient resources to carry out the projects, the Housing Development & Regeneration Manager explained that the business cases for grants and funding would justify the need for extra resource to be able to deliver the result. The long-term aim was also to embed the effort into all staff's role as a common goal.
- The Housing Development & Regeneration Manager would circulate the photograph of the car park array to the Committee.
- The Vice-Chairman highlighted the encouraging news that some single use plastics would be banned from October 2023.
- It was confirmed that the water from the carports could be harvested to use for watering the parks. Energy would also be utilised towards lighting within the car park areas.

**Resolved:**

**That the update be received and noted.**

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## IT & Digital Transformation Advisory Committee

Minutes of a Virtual Meeting of the Information Technology and Digital Transformation Advisory Committee held on 31<sup>st</sup> January 2023.

### **Present:**

Cllr. Forest (Chair)

Cllrs. Krause, Ovenden, Pickering.

### **Also Present:**

Head of IT & Digital, Digital Transformation Manager, Digital Improvement and Web Development Officer, Assistant Director HR, Customer Services, Communications & Digitalisation, Senior Member Services Officer.

## **1 Minutes of the Meeting held on 29<sup>th</sup> March 2022**

- 1.1 The Minutes of the Meeting of the IT & Digital Transformation Advisory Committee held on 29<sup>th</sup> March 2022 were approved and confirmed as a correct record.

## **2 Accessibility Policy**

- 2.1 The Digital Transformation Manager gave an overview of how the Accessibility Policy came into existence. All Councils were required to have such policies in place and it detailed how the Council would ensure they complied with the regulations and that web content was accessible to people with disabilities. A recent audit had highlighted a couple of areas that required correction, this had been done within 12 weeks and he could confirm that the Council was fully compliant.
- 2.2 In response to questions the Digital Transformation Manager advised that Ashford Access Group had been involved in the initial establishment of the website, their help had been vital ensuring that it was accessible. Should a decision need to be taken on a project that was not adaptable then this would happen outside of this policy. The policy would guide a process. They had worked with the procurement team to ensure that the correct systems were in place.

### **Resolved:**

**That the IT & Digital Transformation Advisory Committee recommends the adoption of the Accessibility Policy to Cabinet.**

### **3 Digital Strategy Update**

- 3.1 The Digital Transformation Manager introduced the item and along with the Head of IT & Digital and the Digital Improvement and Web Development Officer, gave a presentation on the Digital Strategy. The first iteration of the Digital Strategy had been an ambitious action plan and had seen the redesign of the Council's website, with accessibility standards introduced. The range of transactions available online had been increased, with a new customer service system introduced that supported improved online services. Internally, the desktop environment on staff laptops had been standardised and the migration to Microsoft 365 had been successful. The updated Digital Strategy underpinned the core principles of the corporate plan to; understand and respond to the needs of our communities to ensure no one was disadvantaged and to put residents at the heart of everything we do and ensure our services were accessible.
- 3.2 They went through the five strands of the Strategy and highlighted some of the work undertaken to support each of these, including:
- A new customer service portal.
  - Website roadmap
  - Website analytics to optimise keywords
  - Development of digital dashboards
  - Phishing exercises and communications campaigns
  - Cyber audit for connection to Public Services Network
  - Multifactor authentication processes for staff and Councillors
  - Migration of services to the cloud.
- 3.3 The item was then opened up to the Advisory Committee and the following points/questions were raised:
- The new customer service portal was welcomed. It was questioned how the existing Report It app would fit in with this. The Digital Transformation Manager advised that the Report It app would remain but would be built into the new portal. The portal would link to apps and web forms providing an access point for residents.
  - There had been progress updates on the Arcus system, and further updates were requested. The Digital Transformation Manager advised that there had been changes within the Digital Team, with a focus to resolve issues that were experienced at/after go live as soon as possible, in addition to upgrades to the system are being scheduled to take place.

**Resolved:**

**That the Update be received and noted.**



## **4 Provision of IT Equipment – Post Election**

- 4.1 The Senior Member Services Officer provided an update on the provision of IT equipment for Councillor post-election. Following support from the Member Training Panel, it was intended to provide all Councillors, new or returning with a laptop and associated peripheral devices. This was a move away from iPads, which would better support the move towards hybrid meetings. Additionally, it was noted that the provision of Microsoft laptops would bring this in line with the equipment provided to officers and thus ensuring greater technical support to Councillors.
- 4.2 In response to questions from Members, the Senior Member Services Officer advised;
- All iPad devices, from returning or non-returning Councillors, were required to be returned in accordance with the agreements signed when receiving their devices. Once returned the devices would be sent to an asset disposal charity that would wipe them of all data and repurpose the devices for charitable purposes (e.g. provide to school children). The Council would be provided with a certificate of destruction, this was in line with the Council's own asset disposal policy; and would provide a clear audit trail.
  - The Mod.Gov & IT Drop In sessions would return, these would be in person and dates scheduled six monthly in advance.

### **Resolved:**

**That the IT & Digital Advisory Committee supports the provision of laptops to Councillors and the support that is to be provided to Councillors post-election.**

## **5 Future Agenda Items**

- 5.1 The Chair requested that an update on the functionality of Modern.Gov be provided to the Advisory Committee. The Senior Member Services Officer undertook to report back on this.

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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 **3 February 2023**.

### **Present:**

Cllr Bartlett (Chairman)

Cllr Mrs Bell, Blanford, Harman, Ledger, Spain, Walder, Wright.

### **Also Present:**

Cllr Burgess.

### **In attendance:**

Director of Place, Space and Leisure; Spatial Planning Manager; Team Leader - Plan Making and Infrastructure; Team Leader - Plan Making and Infrastructure; Deputy Team Leader – Plan Making and Infrastructure: Development Partnership Manager; Planning Officer – Plan Making and Infrastructure; Spatial Planning Officer; Spatial Planning Officer; Developer Contributions Monitoring Officer; Principal Solicitor - Strategic Development; Senior Planning and Development Solicitor; Climate Change Manager; Policy and Democratic Services Assistant; Member Services Officer.

## **1 Apologies and substitutions**

1.1. Apologies had been received from Cllr Bell.

## **2. Declarations of Interest**

2.1 Cllr Bartlett declared that he was a Member of Kent County Council.

2.2 Cllr Mrs Bell declared that she was a Member of Kent County Council.

## **2. Notes of the last Meeting**

### **3.1 Resolved**

The Notes of the meeting of 16 December 2022 were received and noted.

## **3. KCC Developer Contributions Guide Consultation Response**

- 3.1 The Team Leader – Plan Making and Infrastructure introduced the item, referred Members to the content of the report and highlighted officers concerns in response to the consultation.
- 3.2 The item was opened up for discussion and questions. It was felt the report made salient points and that these should be relayed to KCC in a measured and constructive way. Members endorsed the concerns raised. The Chair reminded the group that East Kent Councils had the additional financial burden of the Stodmarsh mitigation measures.
- 3.3 The Chair confirmed it was understood that Kent County Council had statutory obligations to fulfil, but ABC also had a duty to local residents to deliver new facilities and improve existing.
- 3.4 A Member was concerned that the Guide may lead to developers raising the purchase price of homes, making them even more unaffordable.

## **Resolved**

### **The Local Plan & Planning Policy Task Group**

- **endorsed the contents of the report as a means of framing a response to the consultation on the KCC Developer Contributions Guide; and**
- **agreed to delegate authority to The Leader and Assistant Director of Planning and Development to finalise and agree the response to KCC between the Portfolio Holder for Planning and The Chair of Task Group.**

## **4. Infrastructure Funding Statement**

- 4.1 This was an annual statement with the same format as previously. It was commended by Members.

## **Resolved**

**That the report be received and noted.**

## **5. The NPPF Prospectus**

- 5.1 One of the Team Leaders – Plan Making and Infrastructure introduced the item and began a comprehensive presentation of a high-level summary of the proposed changes included in the consultation, which required an ABC response by 2 March 2023. The presentation is attached to these notes as Appendix A.
- 5.2 The Development Partnership Manager expanded on the first theme.

- 5.3 The Team Leader – Plan Making and Infrastructure highlighted the difference between the 5YHLS and the HDT. ABC's Local Plan would be up-to-date when the changes to the NPPF were scheduled to come into force. There was a lack of clarity as to what the proposed new alignment policy entails and it was recommended that this is highlighted in the response. The role of beauty was being re-emphasised. Reference to local design codes was supported in principle. There are proposals afoot to penalise developers for slow build-out, and the introduction of revised text in the NPPF to afford 'significant weight' to the importance of energy efficiency through the adaptation of buildings.
- 5.4 The Team Leader – Plan Making and Infrastructure explained the changes proposed to plan-making. There was an intention to level up and boost economic growth; further consultations would follow.
- 5.5 The item was opened up for comment and questions. A Member expressed concern that truly-affordable housing options were not receiving high enough priority.
- 5.6 Members raised the issue of greater choice for older home-owners and tenants wishing to downsize, particularly in rural neighbourhoods. The demise of the Community Housing hub was a negative, as there was no-one to take control if exception sites were identified. The Development Partnership Manager advised that bungalows were land-hungry dwellings, and so usually developers are less keen to deliver them.
- 5.7 A Member had concerns regarding the impact of neighbouring authorities not achieving their housing targets. There was nothing in the Prospectus to accommodate improved health infrastructure and this should be included in the response back to government. He asked whether schemes for on-shore wind farms and solar farms that benefit local communities would be considered more favourably. The Team Leader – Plan Making and Infrastructure explained the limitations of Section 106 obligations in the context of proposals to deliver renewable energy. The Climate Change Manager highlighted that it is important to encourage renewable energy, particularly as the country moves from gas-powered heating to greener alternatives.
- 5.8 AONBs are afforded a high status of protection.
- 5.9 A question was asked whether Neighbourhood Plans could facilitate car ports being converted to garages.
- 5.10 The Team Leader – Plan Making and Infrastructure explained that, the Prospectus does not clarify what constitutes 'irresponsible behaviour' on the part of developers, examples were included in the Prospectus. It was agreed that further clarity should be provided by government and this should be raised in the Council's response.
- 5.11 The Chair raised the subject of 'street votes'.

- 5.12 There is a requirement to review Neighbourhood Plans to ensure they comply with the current Local Plan and national policies, some Neighbourhood Plans may need to be reviewed sooner than 5 years.
- 5.13 Officers intended to draft the consultation response within the next two/three weeks, based on feedback from the Group, and the Leader. The Group asked for the opportunity to comment on the draft before the response was submitted. It was agreed this would be emailed out to Members, with a short deadline to respond.

## **Resolved**

### **The Local Plan and Planning Policy Task Group**

- **noted the contents of the presentation as a means of framing responses to the government consultation; and**
- **agreed to delegate authority to the Leader and the Assistant Director of Planning and Development to finalise the response, circulate to members of the Task Group by email for comment and then agree the final response with the Portfolio Holder for Planning and The Chair of Task Group.**

## **6. Canterbury Local Plan Regulation 18 Consultation Response**

- 6.1 One of the Deputy Team Leaders – Plan Making and Infrastructure referred Members to the report, explaining that this was the first stage in the consultation process. It was important to feed back in order to remain actively engaged in the process.
- 6.2 Members endorsed the need to remain involved, and responded positively to the prospect of a Stour Valley Regional Park.
- 6.3 A Member commented on the need to take account of the potential for increased traffic generation across the boroughs.
- 6.4 The Chair had concerns regarding access by car into areas in and around the city.

## **Resolved:**

### **The Local Plan and Planning Policy Task Group:**

- **endorsed the contents of the paper as a means of framing a response to the Regulation 18 consultation on the Canterbury Local Plan to 2045; and**
- **delegated authority to the Assistant Director of Planning & Development to finalise and agree any responses in consultation with**

**the Portfolio Holder for Planning & Development and the Chair of Local Plan & Planning Policy Task Group.**

## **7. Local Development Scheme (LDS) 2023 – Update Note**

- 7.1 The Group noted the report, and that the Local Plan Review would be a matter for the next cohort of Members of the Task Group following the upcoming election.

### **Resolved**

**That the report be noted.**

## **8. Member Tracker**

- 8.1 It was agreed the Chair, the Portfolio Holder and the Spatial Planning Manager would arrange to meet offline to discuss the Member Tracker and items for the March Agenda.

## **9. Date and time of the next meeting**

The next meeting had been arranged for 17 March 2023, at 10am, via Teams.

Councillor Bartlett  
Chairman – Local Plan & Planning Policy Task Group

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### The NPPF Prospectus Proposed changes to the National Planning Policy Framework



## Planning Reforms History

### Government White Paper

Published in August 2020 and laid out the Governments visions for a new Planning System.

### The Levelling up and Regeneration Bill

This was introduced on May 11th 2022 aimed at putting the foundations in place for delivering the above agenda.

The Government is not intending to respond to the 2020 consultation and will instead publish a revised framework by Spring 2023.

### Prospectus for revising the National Planning Policy Framework

This was issued on 22nd December with a closing date for the consultation on 2nd March 2023.



## Planning for Homes

### 5YHLS

- LPA's with an up-to-date plan will no longer need to demonstrate a deliverable 5YHLS - to take effect as soon as the revised NPPF is published.
- No longer a requirement for buffers.
- LPA's without an up-to-date plan (>5 years) to identify and update annually a 5YHLS taking into account previous under or over supply as set out in the PPG (details tbc).

### HDT

- Applying the HDT in a way which does not penalise local planning authorities unfairly.
- Addition of a permissions based test - that will 'switch off' the application of the presumption in favour of sustainable development where an LPA can demonstrate sufficient 'deliverable' permissions to meet its housing requirement.

## Planning for Homes

### Local Housing Need

- Standard method and ability to use alternative in exceptional circumstances will remain.
- Standard method - An advisory starting-point to inform plan-making.
- PPG to provide more explicit examples of local characteristics that justify use of an alternative method – i.e. high population of elderly, high population of students.
- Preservation of local character to become a reason that may justify a lower number – i.e building at densities which would be significantly out-of-character.
- Past 'over-delivery' to be taken into account

## Neighbourhood Planning

- Greater protections for areas covered by an adopted Neighbourhood Plan.
  - protection from unwanted development for five years rather than two.
  - removal of tests that currently mean LPA's need to demonstrate at least a 3 year HLS.
  - Removal of tests that requires the LPA to have delivered a minimum amount of housing (scoring above 45 per cent in the housing delivery test)
- Neighbourhood Priorities Statements



## Asking for beauty

Proposed amendments to the NPPF intend to:



- Emphasise the role of beauty
- Facilitate mansard roof as a means of increasing densification/creation of new homes
- Reference the preparation of local design codes in line with the National Model Design Code.
- Ensure planning conditions refer to clear and accurate plans and drawings.

## Measures to tackle slow build out of permissions

- Options for tackling past 'irresponsible behaviour'
- Development Commencement Notice (DCN)
- Completion Notices
- Following passage of the Bill gov data will be published on developers who fail to build out.
- New financial penalties for developers failing to deliver – subject to future consultation.



## Increased environmental protection & tackling climate change

- Greater flexibility to deliver on-shore wind & proposals to enable the repowering of existing onshore wind turbines.
- The NPPF to give 'significant weight' to the importance of energy efficiency through the adaptation of buildings (New para 61).
- Exploring a form of carbon assessment.
- Flooding Risk Management
- Commitments to work with Defra to:
  - review the current degradation provisions for BNG, to reduce the risk of habitat clearances prior to the submission of planning applications, and before the creation of off-site biodiversity enhancements;
  - issue guidance that details how LPA's will be expected to comply with Nature Recovery Strategies; and
  - undertake a review of ancient woodlands and ancient and veteran trees – consider options for further protection.



## National Development Management Policies

- Consultation on the scope.
- Policies would fall within 3 broad categories:
  - Existing policies aimed at decision-making already within the NPPF,
  - Selective new additions to reflect new national priorities (i.e. net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important).
  - Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).
- Further consultation to follow passage of the Bill.

## Changes to Plan Making

- Bill sets out reforms to the local plan-making system.
- Plans will be produced more quickly and the content of plans will be simplified.
- Reforming the test of soundness.
- Transitional arrangements for new and revised plans
- Duty to co-operate replaced by “alignment policy”



## Levelling up and boosting economic growth

- There are no proposed changes to economy related policies.
- Commitment:
  - o to reshape the existing ‘Building a strong competitive economy’ policies to align more closely with the economic vision set out in the Levelling Up White Paper as part of the full review of the NPPF next year.
- Intention:
  - o Make sure that LP’s support new business investment and give existing business, the confidence to expand and grow.
  - o Support the sectors and businesses that will drive up productivity(i.e. technology and research and dev sectors).
  - o Spread financial capital and investment to the places, projects and people that need it most.



## Further Consultations

- The new alignment policy (replacing Duty to Co-operate)
- The Infrastructure Levy
- National Development Management Policies
- Approach to Carbon assessments
- Separate consultation on proposals to introduce a financial penalty against developers who are building out too slowly.
- Wider review of the NPPF 2024

