

Decisions effective from the 13<sup>th</sup> December 2023 unless they are called in or are recommended to the Council for approval

## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30<sup>th</sup> November 2023**.

### Present:

Cllr. Ovenden (Chair);  
Cllr. Campkin (Vice-Chair);

Cllrs. Betty, Harman, Hayward, Walder, Wright.

### Apologies:

Cllrs. Barrett, Nilsson, Dean, Gathern, Michael.

### Also Present:

Cllrs. Bartlett, Mrs Bell, Bell, Brunger-Randall, Chilton, Feacey, Gauder, Ledger, Roden, Shilton, Spain, C Suddards.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Assistant Director of Housing, Assistant Director of HR, Customer Services, HR and Digitalisation, Head of Policy and Performance, Head of Economic Development, Service Lead – Finance, Development Partnership Manager, Economic Development Manager, Principal Solicitor (Strategic Development), Senior Accountant, Communications Officer, Member Services Manager.

## 222 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a Voluntary Announcement as Chairman of the Ashford Volunteer Centre.	226, 229
Wright	Made a Voluntary Announcement as a Trustee of Repton Connect Community Trust.	226, 229

## 223 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 26<sup>th</sup> October 2023 be approved and confirmed as a correct record.**

## **224 Ashford Town Centre Market Review and 'Best of Kent' Market Motion**

The Portfolio Holder introduced the report which considered the Motion put forward to Full Council by Cllr Spain to create a 'Best in Kent' market. It also set the context to existing markets operating in Ashford Town Centre, and other markets and shops that operated within the Borough and sold local produce. The report further set out initiatives undertaken by the Council previously within this area, and the potential opportunities moving forward. It concluded by seeking approval to set up a Members Task Group to investigate those opportunities (considering the opportunity inside the context of the Town Centre Reset) and to undertake the relevant due diligence to develop considered proposals that could be presented back to Cabinet.

The item was opened up to Members for questions/comments and the following points were raised: -

- The Task Group would be looking to engage external experts who had a knowledge of this area and experience of other markets in other areas and representatives of the existing local markets.
- There would be Ward Member representation at the Task Group Meetings.
- Any best practice or outcomes that might help markets be established in villages would be welcomed as it was known that many villages would like to establish their own markets.

### **Resolved:**

**That the setting up of a Members Task Group to investigate the opportunities for market activity in Ashford Town Centre, alongside the Town Centre Reset, be approved.**

## **225 Performance Report – Quarter 2 2023/24**

The Head of Policy and Performance introduced the report which summarised performance against the Council's suite of Key Performance Indicators reflecting the Corporate Plan 2022-24, for the Quarter 2 period 2023/24.

### **Resolved:**

**That the performance data for Quarter 2 2023/24 be received and noted.**

## **226 Draft Budget 2024/25**

The Leader drew attention to the tabled paper which updated the draft budget assumptions. He considered the situation looked a lot healthier following the

previous week's decision on International House, with a more reasonable draw on reserves to balance the budget.

The Senior Accountant introduced the report which sought Cabinet approval for the draft budget that would then form the basis of the budget scrutiny and consultation processes. The final budget would be reported to the February Cabinet for approval and recommendation to Full Council which would include the Council Tax and Rent setting recommendations. Following the decision on International House the previous week, the draft budget for 2024/25 now forecast a deficit of £890k. The deficit in the draft budget would be funded from reserves, which was a short term strategy while saving proposals were developed and implemented.

The draft budget would now be submitted to the Overview and Scrutiny Budget Task Group for review and the budget consultation process. The key service pressures and other risks to the delivery of this budget were explored within the report and outlined by the Senior Accountant. The report also included the Housing Revenue Account (HRA) draft budget which incorporated the assumptions used in the 30 year Business Plan which would be presented later at this meeting.

The item was opened up to Members for questions/comments and the following points were raised: -

- A Member said he thought there were a couple of opportunities which he hoped would be delved into in a bit more depth by the Budget Scrutiny Task Group. These were around the changes in Local Housing Allowance announced in the Autumn Statement and the potential for premium fees for fast-tracked planning applications.
- An issue had been raised by the Royal Kennel Club around provision for homeless people with dogs. Following a recent survey which they had commissioned by an organisation named StreetVet, an accredited scheme had been set up for properties which would take homeless people with dogs. Statistics showed that one in four homeless people had dogs and only 7% of those would consider giving up their pets in exchange for a home, however only 10% of hostels offering homeless accommodation were pet friendly. It would therefore be important for Ashford's facilities to make some sort of provision of homeless people with dogs. The Assistant Director of Housing said it was recognised that pets were part of people's families and played an important role in health and wellbeing. There were some difficulties when it came to shared facilities in places such as Christchurch House, however they did work with those in this position and looked at all options including boarding kennels, obtaining the necessary vaccinations and working with animal charities. In law, the animals were considered a possession and the Council had to take reasonable steps to protect people's possessions, so it was something that was on their radar and they continued to look to accommodate this wherever possible.
- The draft budget was based on the maximum possible Council Tax rise of 2.99%, with the possibility of increasing this further if the cap was raised. Whilst the budget deficit position was understood, with some of the changes

around New Homes Bonus and the Decarbonisation Fund which could be utilised by Housing Associations and new in house streamlined services, were there opportunities to limit Council Tax rises? Many people were choosing between eating and heating in their homes and the maximum increases from all preceptors of the Council Tax would put so much pressure on those families. Could further savings not be made from elsewhere? The Leader responded that since he had been a Councillor over the last 10 years the Council had always increased by the maximum of £5 (or 2.99%). This only referred to ABC's small proportion of the Council Tax bill. That actual figure was about 10 pence per week, and insignificant to a large proportion of the people who paid Council Tax, but the cumulative significance to the Council from the revenue this generated meant that more could go to assist the smaller percentage of people who really needed it. There was a legacy issue in that Ashford had not raised its Council Tax when it was not capped and, if they had, they would be around mid-range in Kent by now and not have a budget deficit. This was not a legacy he wanted to leave for future Councils, so there was a need to be balanced and realistic. If the cap was raised this would be considered at the time and brought to all Members at the relevant time.

- With Budget Scrutiny commencing on 11<sup>th</sup> December, a Member asked if the Medium Term Financial Plan Task Group would have to meet again before then to bring forward further information on the savings schedule. The Leader said that this draft budget was predicated on a draw from reserves so not reliant on future savings. The plan did need to be worked up for future years, but they were not time bound to bring something forward for this year's budget.

**Resolved:**

- That**
- (i) the draft budget for 2024/25, as set out in the report, be agreed for submission to the Overview and Scrutiny Committee's Budget Task Group for formal scrutiny and used for consultation.**
  - (ii) a schedule of savings be developed together with the Management Team to reduce the funding deficit within the budget.**
  - (iii) the draft Housing Revenue Account budget for 2024/25, at Section 2 to the report, be approved.**
  - (iv) this report be used as the basis for budget consultation with the public, the business community, Parish Councils and staff.**

## **227 Housing Revenue Account (HRA) Business Plan 2023-2053**

The Development Partnership Manager introduced the report which presented the latest annual report from both Housing and Finance, setting out the Business Plan to 2053. It had been compiled at against an extremely challenging background in the

context of the Social Housing (Regulation) Act, decarbonisation goals, the cost of living crisis and the Stodmarsh nutrient neutrality issues.

The Portfolio Holder was absent due to illness but he had asked that his thanks to the team for their hard work in pulling this plan together be recorded.

**Resolved:**

- That
- (i) the priorities of the HRA, as set out in the Business Plan report, the updated Business Plan, and financial projections be agreed.
  - (ii) it be noted that the HRA Business Plan will be referred to Overview and Scrutiny (O&S) Budget Task Group, as part of the budget scrutiny process.
  - (iii) it be agreed that decisions for acquisitions will continue to be taken on a case-by-case basis within the existing delegations, by the Assistant Director for Housing, giving due regard to the HRA Business Plan and its priorities and subject to available funding.
  - (iv) it be agreed that given the positive impact street purchases will have on the overall programme at the current time, these will continue as set out in paragraphs 21 to 23 of the report.
  - (v) authority be delegated to 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.

**Recommended:**

That funding for the street purchases programme in 2023/24 of £2.5m be approved.

## **228 Ashford Borough Council RIPA Policy**

The Portfolio Holder introduced the report which set out a newly drafted RIPA (Regulation of Investigatory Powers) policy which had been updated to reflect changes in legislation or practice. It had been drafted in conjunction with the Investigatory Powers Commissioner's Office, had been approved by them and now needed to be adopted by the Council and implemented. The current policy was out of date and all Authorising Officers stipulated within that policy had now left the Council's employment. The policy had also, at Appendix A to the report, introduced the Council Officers who could authorise applications under RIPA (once training had been undertaken) and all other post holders under the legislation, i.e. RIPA Monitoring Officer and Senior Responsible Officer. She thanked the Council's Principal Litigator for undertaking this far-reaching piece of work.

**Recommended:**

**That the policy be approved and adopted.**

## **229 Rural England Prosperity Fund Grants Policies**

The Economic Development Manager introduced the report which advised that the Council has successfully secured funding from Defra's Rural England Prosperity Fund (REPF) which aimed to provide support to communities and businesses in rural areas of the Borough. Ashford's Government-approved REPF Plan set out four capital grant schemes to support our corporate aims and deliver on the of REPF objectives. Cabinet approved the REPF Community Amenities Grants policy in July and he outlined what had been done in that first phase. The three remaining grants schemes set out in the REPF Plan, for which Cabinet were asked to approve the respective policies, were: - Rural Green Business Grants; Rural EV Charge Points Grants; and Rural Place and Provenance Grants. The report gave more detail setting out the rationale and details for the above schemes, with £443,381 of REPF funds allocated across the proposed three grant schemes to March 2025. The report also provided an update to Cabinet on the Council's overall progress in relation to its UK Shared Prosperity Fund (UKSPF) and REPF Plans. Within this, Cabinet was also asked to approve in principle the issuing of a tender for the People and Skills activity outlined.

The item was opened up to Members for questions/comments and the following points were raised: -

- A Member said that he welcomed the proposals, but given that the Council had a good, democratically accountable Community Grants Panel where Members approved grants, could these grants not be approved by that Panel rather than being delegated to Officers? The Head of Policy and Performance responded that these grants were slightly different to the ones being approved by the Panel. They required more technical assessment from Officers, but the decisions would be made in consultation with Portfolio Holders. There was a timing issue and the grants did need to be turned around quite quickly – this may not fit in well with the timetable for the Panel meetings, or the length of time needed at individual meetings. The feeling of the Cabinet was there was some merit to the suggestion and they asked whether there was a way extra Panel meetings could be arranged with a list of filtered Officer recommendations to be approved by Members. The recommendations in the report did not preclude this, so they would agree this as written, but asked Officers to take this away and examine possibilities.
- The Defra definition of the word 'rural' had caused some disquiet and there was a concern that some areas that were more generally defined as 'rural' by the public may not be included. The approach of bringing this through a Member led Panel would assist in this.

**Resolved:**

- That (i) the content of the report and the work undertaken to date to deliver interventions set out in the UKSPF and REPF Plan be noted.
- (ii) the Rural Green Business Grants Policy be approved.
- (iii) the Rural EV Charging Points Grants Policy be approved.
- (iv) the Rural Place and Provenance Grants Policy be approved.
- (v) authority be delegated to the Chief Executive, in consultation with the Portfolio Holder, to approve minor amendments to the three policies where required.
- (vi) authority be delegated to the s151 Officer to approve grants and administer the schemes.
- (vii) the issuing of a tender for a provider to undertake the People and Skills activity outlined in Section 15 of the report be approved.
- (viii) authority be delegated to Officers to make such changes to the grant terms and conditions as the Council’s solicitors advise is appropriate.

## **230 In-House Repairs - Proposed Structure Changes**

The Assistant Director of Housing introduced the report which outlined the revised structure within the Housing Service following the Cabinet endorsed proposal to bring the repairs service in-house. The report also made a recommendation to Full Council to approve the early release of pension, should the affected Post Holder not be able to be redeployed.

**Resolved:**

**That the structure within the Housing Service, including the incoming team following the TUPE transfer, be noted and endorsed.**

**Recommended:**

**That the costs associated with the early release of Local Government Pension Scheme benefits in the event the Council is unable to redeploy the post holder (post Number 3141) resulting in the redundancy of this post, be approved.**

## **231 Use of Chief Executive’s Urgency Powers - Henwood**

The Chief Executive introduced the report which notified Members of an additional pragmatic decision that had been taken about the previously agreed Henwood short-

stay accommodation facility. This was around entering into the construction contract as a matter of urgency to ensure that the scheme could still be brought forward in a timely manner, and not slip in the contractor's manufacturing schedule.

A Member advised that she had raised a matter with Officers in that the occupier of Unit 3 had requested an extension of the double yellow lines, due to the impact of this development on the turning circle for their vehicles.

**Resolved:**

- That**
- (i) it be noted that the Chief Executive has exercised her urgency powers to enter into the construction contract for this scheme as a matter of urgency, and that all relevant due diligence was undertaken by Officers to her satisfaction.**
  - (ii) it be agreed that fixed-term tenancies be issued for this scheme specifically to aid move-on (as outlined in paragraph 23 of the report).**
  - (iii) the land required for the scheme as shown edged red in Appendix B to the report, being no longer required for the purposes of a car park and open space, be appropriated for Housing purposes, specifically into the Housing Revenue Account under Section 122 of the Local Government Act 1972.**

## **232 Schedule of Key Decisions to be Taken**

**Resolved:**

**That the latest Schedule of Key Decisions as set out within the report be received and noted.**

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