

# Ashford Borough Council

Minutes of an Extraordinary Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14<sup>th</sup> March 2024**.

## Present:

His Worshipful the Mayor, Cllr. L W Krause (Chairman);

Cllrs. Anckorn, Arnold, Bartlett, Mrs Bell, Bell, Betty, Blanford, Brunger-Randall, Buchanan, Campkin, Chilton, Dean, Feacey, Forest, Gambling, Gathern, Gauder, Giles, Hallett, Harman, Hayward, Heyes, Hicks, Iliffe, Ledger, Link, McGeever, Meaden, Mulholland, Ovenden, Pauley, Pickering, Roden, Shilton, Spain, C Suddards, L Suddards, Townend, Wright.

## Also Present:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Corporate Director of Place, Space and Leisure, Corporate Director of Health and Wellbeing, Assistant Director of Environment, Property and Recreation, Head of Economic Development, Service Lead – Finance, Commercial Projects and Recreation Manager, Principal Solicitor (Strategic Development) and Deputy Monitoring Officer, Democratic Services Manager, Senior Democratic Services Officer.

## Apologies:

Cllrs. Barrett, Joseph, Leavey, Michael, Nilsson, Smith, Walder.

## 357 Exempt or Confidential Items

The Mayor asked whether any items should be dealt with in private because of the likely disclosure of Exempt or Confidential information. The Solicitor to the Council and Monitoring Officer advised that if Members wished to discuss the exempt appendices to the report there would be a need to pass the resolution to exclude the press and public from the meeting.

## 358 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as Chair of the Ashford Volunteer Centre which owned property in Elwick Place.	359, 362, 364
Wright	Made a 'Voluntary Announcement' as a Trustee of the Repton Connect Community Centre.	

<b>Officer</b>	<b>Interest</b>	<b>Minute No.</b>
Assistant Director of Environment, Property and Recreation	Made a 'Voluntary Announcement' as a Director of Ashford Cinema Ltd.	359, 362, 364
Commercial Projects and Recreation Manager	Made a 'Voluntary Announcement' as a Director of Ashford Cinema Ltd.	359, 362, 364

### **359 Picturehouse, Elwick Place, Ashford**

The Leader of the Council directed Members' attention to the tabled paper which included a proposed amendment to recommendation (vi) and a proposed additional recommendation (xi).

The Leader proposed: -

"That the recommendations in the report be approved and adopted, subject to the amendment and addition as outlined in the tabled paper."

This was seconded.

### **360 Committee of the Whole Council**

The Leader proposed that "General Procedure Rule 12 (r) be applied and the meeting become a Committee of the Council." This was seconded, put to the vote and carried.

**Resolved:**

**That the meeting become a Committee of the Council in accordance with General Procedure Rule 12 (r).**

### **361 Exclusion of the Public**

As Members wished to refer to the exempt appendices to the report, the Solicitor to the Council and Monitoring Officer advised it would be necessary to exclude the press and public by passing the appropriate resolution.

**Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraphs 3 and 5 of Schedule 12A of the Act, where in the circumstances the**

**public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

## **362 Picturehouse, Elwick Place, Ashford**

The Council considered the report of the Corporate Director of Place, Space and Leisure and the motion proposed by the Leader of the Council as a Committee of the Council. In that format, Members gave their views on the report and asked questions of, and received responses from, Officers.

In accordance with Procedure Rule 15.4 Councillor Harman asked that a recorded vote be taken on the recommendations of the Committee of the Whole Council. This was supported by at least six other Members (i.e. a total of at least seven) who showed their support by standing. A recorded vote was then taken on the motion and the Members voted as follows: -

For: Councillors Arnold, Bartlett, Betty, Blanford, Buchanan, Campkin, Dean, Feacey, Forest, Gambling, Gathern, Gauder, Giles, Harman, Hayward, Hicks, Iliffe, Krause, Ledger, Link, McGeever, Meaden, Ovenden, Pauley, Pickering, Spain, C Suddards, L Suddards, Townend, Wright.  
**Votes For 30**

Against: Councillors Brunger-Randall, Heyes, Roden, Shilton.  
**Votes Against 4**

Abstentions: Councillors Anckorn, Mrs Bell, Bell, Chilton, Hallett, Mulholland.  
**Abstentions 6**

This motion was carried.

### **Recommended:**

- That (i) the assignment of the Picturehouse lease to Ashford Cinema Ltd (ACL) as part of a transfer by Picturehouse to ACL of all cinema operations and assets and all staff identified within the TUPE process be agreed, to support the future vitality and economic development of Ashford town centre.**
- (ii) it be agreed to release Picturehouse and its lease guarantor, Cine-UK Ltd., from all liabilities and obligations of the lease, and also to grant a rent free period for Ashford Cinema Ltd of a maximum of 12 months, both to take effect from the completion of the lease assignment.**
- (iii) it be agreed to grant a £100,000 operational Loan to Ashford Cinema Ltd which will be secure by way of legal charge against the assets within the cinema.**

- (iv) it be agreed to spend to underwrite all operating deficit for Ashford Cinema Ltd for a period of up to 12 months from the assignment, including NNDR and Service Charge liability.
- (v) it be agreed, in principle, to the provision by the Council of services, such as Human Resources, IT, corporate and financial services to Ashford Cinema Ltd and to delegate authority to the Chief Executive, Deputy Chief Executive and Section 151 Officer, in consultation with the Leader of the Council, the Solicitor to the Council and Monitoring Officer, and the relevant Corporate Director and Assistant Director, to agree the terms and conditions, including charges (if any), for such services.
- (vi) Ashford Cinema Ltd be required to report quarterly to the Trading and Enterprise Board (TEB) in accordance with its existing Terms of Reference, including to note the power of appointment by the TEB (with the Leader's approval) of the shareholders' representative. These reports are to summarise actions taken by ACL and to include detailed information on the following:
- Visitors
  - Membership
  - Food and beverage
  - Financials including budgets
  - Parking Validation Scheme
  - All Marketing
  - Employment arrangements and staffing changes
  - Sundry/ancillary operations e.g. community amenity use, pop up leases etc.
  - (First report to TEB) Planned activities/quick wins to achieve profitability
  - Up-to-date risk matrix
  - Actions to make the operations more environmentally sustainable.
- (vii) the aims and objectives of Ashford Cinema Ltd and these being the same aims and objectives of Ashford Borough Council be noted.
- (viii) the urgency decision made by the Chief Executive taken on 05/02/2024 to set up and appoint the Directors and Secretary of a new company Ashford Cinema Ltd (Company Number 15473154) wholly owned by Ashford Borough Council be noted.
- (ix) it be agreed that Ashford Cinema Ltd enter into a service agreement with The Big Picture Limited for The Big Picture Limited to manage the day to day operation of the cinema on behalf of Ashford Cinema Ltd.
- (x) authority to be delegated to (a) the Chief Executive, Deputy Chief Executive and Section 151 Officer, in consultation with the Leader of the Council, the Solicitor to the Council and Monitoring Officer, and

the relevant Corporate Director and Assistant Director to take any other decisions ancillary to the above and in line with the proposals outlined in this report and its Appendices, and (b) the Solicitor to the Council and Monitoring Officer, in consultation with the Deputy Chief Executive and Section 151 Officer and the relevant Corporate Director/Assistant Director, to negotiate and enter into any deeds, agreements or other documents necessary or appropriate to achieve the same.

(xi) Officers be requested to report to the Economic Regeneration and Investment Advisory Committee (ERIAC) on the following, at appropriate times to be decided by ERIAC: -

- Overall Parking activity and income in Elwick Place
- The future role and success of Elwick Place within, and as part of, the wider Town Centre.

### **363 Meeting of the Council**

The Leader of the Council proposed that “General Procedure Rule 12 (s) be applied and the meeting of the Council be resumed”. This was seconded, put to the vote and carried.

**Resolved:**

**That the meeting of the Council be resumed in accordance with General Procedure Rule 12 (s).**

### **364 Minutes of the Committee of the Whole Council**

In accordance with Procedure Rule 15.4 Councillor Harman asked that a recorded vote be taken on this motion. This was supported by at least six other Members (i.e. a total of at least seven) who showed their support by standing. A recorded vote was then taken on the motion and the Members voted as follows: -

For: Councillors Arnold, Bartlett, Betty, Blanford, Buchanan, Campkin, Dean, Feacey, Forest, Gambling, Gathern, Gauder, Giles, Harman, Hayward, Iliffe, Krause, Ledger, Link, McGeever, Meaden, Ovenden, Pauley, Pickering, Spain, C Suddards, L Suddards, Townend, Wright.

**Votes For 29**

Against: Councillors Mrs Bell, Brunger-Randall, Heyes, Roden, Shilton.

**Votes Against 5**

Abstentions: Councillors Anckorn, Bell, Chilton, Hallett, Mulholland

**Abstentions 5**

Did Not Vote: Councillor Hicks

This motion was carried.

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**Resolved:**

**That the recommendations of the Committee of the Whole Council as contained in Minute No. 362 be approved and adopted.**

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