

# Ashford Borough Council: Overview and Scrutiny Committee

Minutes of a Virtual Meeting of the Overview and Scrutiny Committee held on Microsoft Teams on the **9<sup>th</sup> March 2021**.

## Present:

Cllr. Ovenden (Chairman)  
Cllr. Chilton (Vice-Chairman)

Cllrs. Blanford, Burgess, Campkin, Farrell, Hayward, Howard-Smith, Iliffe, Krause, Ledger, Mulholland.

## Apologies:

Cllr Shorter.

## Also Present:

Cllrs. Bartlett, Clarkson, Clokie, Feacey, Sparks, Wright.

## In Attendance:

Head of Corporate Policy, ED and Communications, Compliance and Data Protection Manager, Policy and Scrutiny Officer, Head of Planning and Development, Team Leader - Spatial Planning – Plan Making and Infrastructure, Head of Corporate Property and Projects, Commercial Development and Regeneration Manager, Procurement and Contracts Manager, Member Services Liaison Manager.

## 270 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as was a Trustee of the Ashford Central Community Forum.	274

## 271 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 9<sup>th</sup> February 2021 be approved and confirmed as an accurate record.**

## 272 Section 106 Process

The Team Leader – Spatial Planning – Plan Making and Infrastructure introduced his report and explained that it broadly outlined the Section 106 process and explained the roles played by both Members and Parish Councils. It was a four stage process involving the identification of the need; the amount of funding required; the collection of the monies; and the final stage which was the allocation and spend of the funds received. He drew particular attention to paragraphs 10, 11 and 12 of the report which set out the basic principles which underpinned the S106 process and also the role of the Local Plan and the ability of Members to get involved in that process which was outlined in paragraphs 14 to 32.

The Head of Planning and Development then referred to the Development Management Process and explained that planning permissions for development were not issued until the Section 106 agreement had been signed and he also drew attention to the issue of viability which was governed by national planning guidance. Spend also had to be consistent with the agreement itself. He also explained that the administration of the process was the responsibility of the Spatial Planning Team and a dedicated officer acted as the S106 Monitoring Officer. The overall process would be improved by the Planning IT system upgrade which was now in progress.

The report was then opened up to the Committee and the following is a summary of Members questions and the Officers responses: -

- In response to a question about how Members could get projects included in S106 agreements, the Head of Planning and Development advised that the ideal opportunity existed at the Local Plan stage when infrastructure needs for an area could be identified. Rural Members would also be able to contribute as part of the Neighbourhood Plan process. In terms of complaints from residents that spend occurred in locations in different parts of the town, this was because some schemes were large scale and were provided to serve a wider town and catchment area. Local play schemes would, however, be usually delivered in the location of the development itself. The involvement of Members at the early stage of Local Plan preparation was emphasised, it being acknowledged that over time local community priorities might change
- In view of Members concerns about not being involved or consulted on proposed S106 contributions prior to a report being submitted to the Planning Committee, and the fact that S106 this was such a wide subject area, the

Chairman suggested that the issue be referred to a Task and Finish Group. This was supported by the Committee. He undertook to look at the possible timeframe for this to happen with the Policy and Scrutiny Officer and requested that Members consider volunteering to join that Group.

- The Head of Planning and Development explained that the 10 year rule commenced from the date of receipt of the funds, which could be later than the completion of the development, particularly if trigger points were involved. In terms of the communication with Parish Councils on the process, he explained that this was the responsibility of the S106 Monitoring Officer and that the upgraded IT system would help to improve this liaison and to also respond to requests for information from both Parish Councils and Members.
- If Parish Council S106 priorities changed, these could be accommodated provided that they were within the original scope of the agreement and still met the statutory legal tests for developer contributions, for example, general community facilities within the locality. The current statutory legislation gave Local Authorities more latitude and flexibility on the precise nature of such facilities than had been possible under the previous planning regime.
- The Discovery Park was a strategic development designed to meet the recreational and leisure needs of the population of South Ashford and the wider town area. This was an example of a facility being delivered as part of the S106 process rather than via financial contributions to the Council.
- In terms of how Members would have input on the S106 process which could arise from delegated Officer decisions rather than by way of a Committee report to the Planning Committee, the Head of Planning and Development considered that this issue could be ideally explored as part of the proposed work of the Task and Finish Group.
- The Team Leader – Spatial Planning explained how the level of S106 contributions were determined, which involved the consideration of a range of evidence the Council was required to produce in terms of the needs arising from the development coming forward. The overall cost of the provision of such facilities or contributions was then converted into a cost per dwelling. He gave an example of how this process worked in relation to the provision of sports facilities. The Head of Planning and Development also explained that long term maintenance and the management of such infrastructure was also relevant.
- With reference to how resources were distributed when a development straddled more than one Parish, the Head of Planning and Development commented that firstly Officers would assess whether there was an actual need for facilities to be provided. If there were no needs arising from the development, S106 contributions could not be sought. He also said that residents were not tied by parish or ward boundaries and would therefore be in a position to use facilities in other areas if they so wished.

The Chairman thanked the Head of Planning and Development and Team Leader Spatial Planning for attending the meeting.

**Resolved:**

**That the report be received and noted and the matter be further considered by a dedicated Task and Finish Group.**

## **273 Update Report on Procurement Process**

The Procurement and Contracts Manager introduced her report which she explained stemmed from questions raised following her presentation to the Committee in November 2020. The report detailed information on three specific questions regarding; Member involvement on high value procurement; centralised procurement and procurement procedures; and the ability to negotiate on price.

The Procurement and Contracts Manager said that Members had a major role to play in terms of the approval of Contract Procedure Rules, Budget setting, Portfolio briefings and also in procurement exercises for the recent Leisure Services contract and Vicarage Lane project. She also explained about the work of the Centralised Procurement Team and the current restrictions in terms of the ability to negotiate. The latter would be likely to change arising from the current government white paper issued following the EU exit.

In response to a question about how Officers procured goods, the Procurement and Contracts Manager said that work was being undertaken on category management and it was intended that guidance would be made available to Officers to aid the procurement of certain items across the Authority. Historical data was also being analysed with a view to reducing the choice of the number of different suppliers.

In terms of the procurement from local suppliers, it was noted that under the current Contract Procedure Rules this was often difficult but the team were able to give advice to help with small scale purchases. The White Paper, however, contained a section which dealt with local procurement, so the situation could change.

**Resolved:**

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

## **274 Vicarage Lane Project**

The Commercial Development and Regeneration Manager explained that the project had been considered by the Design Review Panel and had received positive feedback. It was now proposed that the project would be reported to the April Cabinet meeting (rather than March) which would allow time for the scheme to be

considered at a meeting of the Ashford Town Centre Redevelopment Advisory Committee.

In response to a request from a Member that a presentation be given to the AGM of the Ashford Central Community Forum, the Commercial Development and Regeneration Manager said that she would be happy to liaise with the Chairman of that Forum over this request. She also undertook to check that the Churchyard Residents Group was included within the consultation list.

The Portfolio Holder confirmed that the Design Review Panel were very complimentary about the scheme and he also said that it would be possible under this design to view the Church from Station Road. He also praised the performance of the Development Managers appointed by the Council to progress this scheme.

**Resolved:**

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

## **275 Future Reviews Tracker**

The Policy and Scrutiny Officer explained that since the last meeting she had scored the Grant Funding Process item and advised that a report would be produced for the meeting in April. She also explained that the April meeting would also consider the Committee's Work Programme and therefore asked Members to notify her of any items they would like to be considered for inclusion.

A Member said that he would like to suggest that the performance of the ABC Property Company be considered in view of recent external audit reports on the operation of such companies in Croydon and Nottingham. In response, the Chairman said that he considered initially that the Trading and Enterprise Board was the most appropriate forum for that matter to be raised as the Board was responsible for monitoring the performance of the Company and he therefore asked that the Member concerned raise his concerns with the Chairman of that Board.

In response to a question about the handling of the amendment agreed on the Budget at the Council meeting the previous week, the Chairman said that the Policy and Scrutiny Officer would look into this.

A further Member asked whether there had been any change in the planning consultation process as she said that her residents had commented that it had appeared to have become more restricted. The Chairman said that the Committee had considered this in the past but that he would ask that the issue be scored via the Matrix.

In terms of the proposed Task Group raised earlier in the meeting on the S106 Process, the Chairman said that he would look at a possible timetable for that review

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with the Policy and Scrutiny Officer. In the interim he asked that Members contact the Scrutiny Officer if they wished to take part in the review work.

**Resolved:**

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

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