

## **Cabinet**

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **25<sup>th</sup> November 2021**.

### **Present:**

Cllr. Clarkson (Chairman);

Cllrs. Bell, Clokie, Feacey, Forest, Iliffe, Shorter.

### **Apologies:**

Cllrs. Bartlett, Buchanan, Pickering, Chilton, Michael.

### **Also Present:**

Cllrs. Burgess, Harman, Ovenden, Sparks, C Suddards, Wright.

### **In attendance:**

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Planning and Development, Head of Corporate Property and Projects, Head of Housing, Accountancy Manager, Development Partnership Manager, Communications and Marketing Manager, Governance and Data Protection Officer, Member Services Manager.

## **185 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of the Cabinet held on the 28<sup>th</sup> October 2021 be approved and confirmed as a correct record.**

## **186 Leader's Announcements**

The Leader said that whilst the Council did not tend to campaign on individual issues and favoured writing directly to those in authority about issues that concerned them, there were a few that resonated very widely with all communities across the country. From Thursday 25<sup>th</sup> November, for 16 days, there would be a national White Ribbon campaign to end violence against women and Members may recall his very robust statement about this subject at the last Full Council Meeting. "All Men Can" was the leading message this year because all men could make a difference. This was developed back in March when the murder of Sarah Everard brought women's experience of men's violence to the forefront of everyone's minds. It also opened up many conversations about men taking action and making a stand. The Council would

run this as both an internal and external campaign. Earlier that day, the white ribbon flag had been temporarily raised for 16 days on one of the flagpoles outside the Civic Centre and the Council would be making social media posts to encourage the community to take part. The Council also had white ribbon bunting up in the customer reception and Customer Service Advisors on reception would be wearing white ribbon lanyards and encouraging conversations with the public.

Secondly, the Leader said he wanted to make mention of the Ashford Volunteer Centre. He said the Borough was very blessed to have such an active centre and he was pleased to announce that it would be assisting KCC in co-ordinating volunteering across the county. KCC was launching a new £170,000 scheme to harness the vital contribution of Kent's amazing volunteers and this pilot scheme would be in partnership with the Ashford Volunteer Centre to help establish a co-ordinated, volunteer system for Kent. This would build on the invaluable contribution volunteers played in communities - especially over the past 18 months – and all formed a vital part of KCC's new draft 'Civil Society' which would be considered by their Cabinet on Thursday the 9th of December 2021.

## **187 Report of the Overview and Scrutiny Committee – Section 106 Processes**

The Chairman of the Overview and Scrutiny Committee introduced the report which advised that the Committee had agreed to form a Task Group to review the Council's Section 106 processes. The report presented a summary of the Task Group's meetings during the review and outlined the key findings, with a total of eight recommendations that aimed to improve various parts of the Section 106 process. Perhaps the key finding had been the sheer amount of parties involved in the process and how many had a limited understanding of what others did. Therefore the process mapping exercise mentioned in recommendation (i) was the most important and set the scene for the other recommendations. With regard to training, he advocated this being filmed and saved so there was a consistent record for any newcomers. Parish Councils for example had an almost constant turnover of Members. He expressed his thanks to the Policy and Scrutiny Officer without whom they would not have been able to pull together such an effective review and who had done a fantastic job since being appointed.

The Leader said he was delighted that the Overview and Scrutiny Committee had chosen to examine this particular area and welcomed their findings. He proposed one minor amendment to recommendation (iv), adding reference to the Portfolio Holder for Planning and Development, but other than that he said the Cabinet was happy to accept the eight recommendations in their entirety.

On a more general point about resources, the Portfolio Holder for Planning and Development advised that this was a challenge for all planning departments nationally and whilst there were plans underway to address this at ABC, it would take time and have to be managed in the meantime.

**Resolved:**

- That**
- (i) a process mapping exercise be undertaken to provide clarity and guidance to Officers and Members involved in the Section 106 process. Once completed, the process map would inform recommendations (ii) to (viii).**
  - (ii) guidance and training be provide for Officers involved in the Section 106 process to clarify roles and responsibilities of all Officers. Additionally, a ‘handbook’ be created for both Members and Parish Councillors to explain the basic concepts of Section 106.**
  - (iii) communication over Section 106 be improved between the Planning Service and Parish Councils, including key contact(s) for accessing advice.**
  - (iv) training on Section 106 should be provided to Members and Parish Councils on an annual basis. The initial programme for the training should be reviewed by the Member Training Panel, in consultation with the Chairman of the O&S Section 106 Task Group and the Portfolio Holder for Planning and Development.**
  - (v) the new Planning IT software provide information on the Council’s website about what Section 106 monies are available to individual parishes.**
  - (vi) delivery of the Infrastructure Contributions SPD should be prioritised. The SPD should provide an up-to-date list of what is expected of developers within a single document. This will provide clarity for all parties involved in the Section 106 process.**
  - (vii) there is a standardising of Section 106 agreements and use of templates where appropriate.**
  - (viii) Legal Services be trained to use the new IT system adopted by the Planning Department, to enable them to access relevant planning documentation and therefore streamline the process.**

## **188 Corporate Performance Report – Quarter 2 2021/22**

The Portfolio Holder introduced the report which summarised performance against the performance indicators introduced in the Recovery Plan presented to the Cabinet in July 2020. He reinforced that the data within the report belonged to all Members and he encouraged all to interrogate the report where it applied to them.

**Resolved:**

**That the performance date for Quarter 2 2021/21 be received and noted.**

## **189 Draft Budget 2022/23**

The Portfolio Holder introduced the report which presented the draft budget for 2022/23 for the General Fund and Housing Revenue Account. The draft budget was in line with the Medium Term Financial Plan presented to the Cabinet in October, and which formed the basis for this draft budget. It would now be submitted to the Overview and Scrutiny Committee for review as well as the formal budget consultation processes. He re-iterated that any responses received during the consultation period would be looked at closely. He thanked the Accountancy Manager for his hard work in pulling the report together.

### **Resolved:**

- That**
- (i) the draft budget for 2022/23 be approved.**
  - (ii) the savings still to be identified be noted and the approach adopted to deliver these savings be approved.**
  - (iii) Heads of Service be requested to provide updates on progress made towards achieving savings targets through the corporate Budget Monitoring report.**
  - (iv) the draft Housing Revenue Account budget for 2022/23 (Section 2 of the report refers) be approved.**
  - (v) this report will be used as the basis for budget consultation with the public, the business community, Parish Councils and staff.**
  - (vi) the draft budget as set out in the report be agreed to be submitted to the Overview and Scrutiny Committee's Budget Task Group for formal scrutiny.**

## **190 Council Tax Base 2022/23**

The Portfolio Holder introduced the report which advised that the Council was required to approve the tax base used to calculate the level of Council Tax for 2022/23. It was calculated with regard to the number of domestic properties (including a forecast of new properties), which were then converted to Band D equivalents. There had been a slight error in the report summary box and Officers clarified that the tax base had been calculated at 48,664 Band D properties, an increase of 3491 (or 7.73%) on the current year. He concluded by re-iterating that last year had seen a one-off transitional Council Tax Support Grant for Parish Councils. In accordance with previous decisions, both this and the Concurrent Function Grant, would be removed for 2022/23.

**Resolved:**

- That (i) the 2022/23 'Net' tax base of 48,664 Band D equivalent properties be agreed.**
- (ii) the possibility of further Cabinet and Council decisions being required before the end of January should any material change in the tax base be required as a consequence of any further relevant funding announcements from Government, be noted.**

## **191 Financial Monitoring Report – Quarter 2 2021/22**

The Portfolio Holder introduced the report which presented the Quarter 2 budget monitoring position for 2021/22, based on data available up to 30<sup>th</sup> September 2021. The overall position had improved by £381,000 since the first monitoring report and the Council was now forecasting an overall surplus of £421,000 at year end. The Housing Revenue Account (HRA) was forecasting an increase in spend since the previous monitoring report of £128,000. The reasons for this were outlined in the report. The report also provided an update on the Collection Fund, Capital expenditure, Treasury Management and Reserve movements.

**Resolved:**

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
- (ii) the Collection Fund position be noted.**
- (iii) the contribution to reserves (at Table 5 of the report) be noted.**
- (iv) the Treasury Management position be noted.**

## **192 Corporate Plan 2022 - 2024**

The Leader introduced the report which presented the findings of the draft Corporate Plan consultation. The draft plan had been approved for consultation by the Cabinet on the 29<sup>th</sup> July 2021 and the consultation had run from 18<sup>th</sup> August to 1<sup>st</sup> October. Eleven responses had been received which had informed the final draft of the Corporate Plan for 2022 – 2024. This had been appended to the report in full and was recommended for adoption.

**Resolved:**

- That (i) the findings of the draft Corporate Plan consultation be noted.**
- (ii) the final draft Corporate Plan 2022 – 2024 be approved and adopted.**

## **193 Solar Projects and Programme**

The Portfolio Holder introduced the report which presented for approval a project to proceed with a significant half megawatt roof mounted solar array on industrial units at Carlton Road, Ashford at a cost of £401,000, including professional fees. He drew attention to his Portfolio Holder comments within the report and re-iterated that this project was in line with the Cabinet's pledge to achieve zero carbon in the Council's own estate and operations by 2030, as well as Green Pioneer targets in the Council's new Corporate Plan and Carbon Neutral Action Plan.

### **Resolved:**

- That**
- (i) the contents of the report be approved.**
  - (ii) spending of £401,000 be authorised to design and build a solar installation at the Carlton Road industrial park.**
  - (iii) it be noted that further renewable schemes are at feasibility stage.**

## **194 First Homes Position Statement**

The Portfolio Holder introduced the report which advised that First Homes was the latest Government affordable housing product aimed at allowing people to progress towards home ownership. It followed on from, and adapted, the 'Starter Home' initiative which was first introduced around six years ago. The paper set out how the Council would respond to the Written Ministerial Statement, bearing in mind that the Council had a recently adopted Local Plan that set out how affordable housing should be delivered in the Borough.

### **Resolved:**

- That**
- (i) the Council adopt a flexible position on First Homes to take into account the nature of the Written Ministerial Statement and the Council's adopted policy on affordable housing delivery.**
  - (ii) the broad scope of a Position Statement detailed in the report be agreed, which will demonstrate how First Homes should be applied until such time as a Local Plan Review is engaged or a Supplementary Planning Document is prepared, and**
  - (iii) responsibility for the final contents of the Position Statement be delegated to the Head of Planning and Development, in consultation with the Portfolio Holder for Planning and Development, Head of Housing and Portfolio Holder for Housing.**
  - (iv) when agreed, the Position Statement is treated by the Council as a material consideration for the purpose of planning decisions.**

## **195 Rough Sleeper Accommodation Programme**

The Portfolio Holder introduced the report which advised of the successful bid for further funding from the Rough Sleeper Accommodation Programme and sought approval for the capital spend required to double the number of move-on homes the Council would be able to provide through this project. These would be homes bought through the process that currently secured street purchase properties in the Housing Revenue Account.

The Leader said it was important that the Council continued its good work in supporting some of the Borough's most vulnerable people who were rough sleeping and to get them off the streets. This was a complex issue, with a myriad of reasons why people were rough sleeping, but he was proud of the Council's Officers who dealt with the issue robustly but sensitively. He understood that the affected Ward Member had expressed concerns about the location of the first property in Beaver Road, when there were already a number of Houses of Multiple Occupation in that Ward. He had some sympathy with that concern and said that the Council would try to spread the homes among different Wards.

Other Members said that the Council should be rightly proud of its approach to homelessness. Compared to other Districts, the situation in Ashford was noticeably better, with the Council not only providing shelter, but also ongoing wrap-around support to help people rebuild their lives.

### **Resolved:**

- That**
- (i) it be noted that work has already begun to secure the move-on homes and the Intensive Housing Support Officer after the first successful bid.**
  - (ii) it be noted that the Council has been successful in securing capital grant of £530,000 and revenue grant of £87,500 through its second bid to the Rough Sleeper Accommodation Programme.**
  - (iii) capital spend of £1,246,000 be agreed to supplement the capital grant.**
  - (iv) the General Fund owned property at 240 Beaver Road not be sold but instead converted to be part of the Rough Sleeper Accommodation Programme.**
  - (v) the programme be reviewed towards the end of the three year cycle.**

## **196 Kent Music School – Supporting Relocation to Ashford**

The Portfolio Holder introduced the report which advised that Kent Music (KM) was looking to consolidate its property assets and reduce its property costs through a

proposed relocation to a new custom built facility on the new Javelin Way estate. The KM board had approved the decision to move and they were seeking a loan from the Council for the cost of the building. They proposed to secure the loan on the building with a floating charge on the other assets of the charity. He drew attention to the tabled paper which advised that the report had been marked draft in error and made amendments to the legal implications and recommendations.

A Member asked if KM's participation in Ashford's community would come to a relevant Committee for debate via a Service Level Agreement (SLA) or similar? The Leader said the most important thing was to get KM to Ashford first and let them settle, so there was no SLA proposed as part of this report. The Portfolio Holder for Culture advised that KM were already participating in Cultural Network meetings in Ashford so they already had good communications with them and that would only build once they were settled in Ashford.

**Recommended:**

- That**
- (i) in principle loan funding for Kent Music be approved to purchase the new facility in Javelin Way, Ashford, up to a value of £1.4m, subject to the conditions outlined in the report and the heads of terms for a loan agreement set out in Appendix A to the report, and subject to the satisfactory completion of due diligence as outlined below.**
  - (ii) the Deputy Chief Executive be authorised, in consultation with the Chief Executive, the Solicitor to the Council and the Portfolio Holder for Finance & IT, to negotiate measures and take any other steps he considers prudent in the Council's interests in order to enable the transaction to proceed as a sound investment, and to approve final due diligence reports and a final risk analysis schedule which are satisfactory in his view. (In the event that these matters are not satisfactory, the proposal be reported back for decision by Members).**
  - (iii) authority to finalise the terms of the loan and security be delegated to the Deputy Chief Executive in consultation with the Chief Executive, the Solicitor to the Council and the Portfolio Holder for Finance & IT.**
  - (iv) the Solicitor to the Council be authorised, in consultation with the Deputy Chief Executive, to negotiate and complete all necessary legal documentation including a loan agreement and a legal charge over the facility, to put the above decision into effect.**

## **197 Adoption of a Local Validation Checklist for Planning**

The Leader advised that following a helpful discussion with the Portfolio Holder and the Head of Planning and Development he was proposing two amendments to the report. Firstly, that the review date in recommendation (ii) be changed from 2023 to 2022 and secondly, to change the time allowed for insufficient information to be



supplied by applicants/agents from 21 days to three months (page 247 of the report refers). They had also proposed that in the published Planning Application Process, it be made plain that the listing of the Local Validation Requirements is indeed a comprehensive list from which the Planning Authority will, when approached by the applicant/agent, issue a written specific list of Local Validation Requirements for each individual planning application.

The Portfolio Holder introduced the report and advised that the proposed amendments were sensible and had his support.

**Recommended:**

- That**
- (i) the proposed Local Validation Checklist be endorsed and adopted.**
  - (ii) that Local Validation Checklist be reviewed in full before the end of 2022.**
  - (iii) the Head of Planning and Development, in consultation with the Portfolio Holder for Planning and Development, be delegated authority to make any minor amendments to the Local Validation Checklist.**

## **198 Ashford Strategic Delivery Board – Notes of 15<sup>th</sup> October 2021**

**Resolved:**

**That the Minutes of the Meeting of the Ashford Strategic Delivery Board held on the 15<sup>th</sup> October 2021 be received and noted.**

## **199 Compliance and Enforcement Board – Notes of 26<sup>th</sup> October 2021**

**Resolved:**

**That the Notes of the Meeting of the Compliance and Enforcement Board held on the 26<sup>th</sup> October 2021 be received and noted.**

## **200 Information Technology and Digital Transformation Advisory Committee – Notes of 28<sup>th</sup> September 2021**

**Resolved:**

**That the Notes of the Meeting of the Information Technology and Digital Transformation Advisory Committee held on the 28<sup>th</sup> September 2021 be received and noted.**

## **201 Local Plan and Planning Policy Task Group – Notes of 21<sup>st</sup> October 2021**

**Resolved:**

**That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 21<sup>st</sup> October 2021 be received and noted.**

## **202 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.**

## **203 Economic Regeneration and Investment Board – Notes of 7<sup>th</sup> September 2021**

**Resolved:**

**That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 7<sup>th</sup> September 2021 be received and noted.**

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