

Decisions effective from the 12<sup>th</sup> July 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 **29<sup>th</sup> June 2023**.

### Present:

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

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

### Also Present:

Cllrs. Bartlett, Mrs Bell, Bell, Brunger-Randall, Chilton, Dean, Feacey, Forest, Gambling, Gathern, Gauder, Hallett, Leavey, Meaden, Michael, Roden, Shilton, Spain, C Suddards.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Customer, Technology and Finance, Director of Place, Space and Leisure, Assistant Director of HR, Customer Services, Communications and Digitalisation, Assistant Director of Environment, Property and Leisure, Assistant Director of Planning and Development, Assistant of Director of Housing, Head of Policy and Performance, Service Lead – Finance, Safety and Wellbeing Manager, Senior Governance and Data Protection Officer, Senior Communications Officer, Member Services Manager.

## 43 Declarations of Interest

Councillor	Interest	Minute No.
Spain	Made a Voluntary Announcement as a resident of Charing who had voted in the Neighbourhood Plan local referendum.	49

## 44 Minutes

The Leader advised that none of the current Cabinet had been present at the previous Meeting as Members of the Cabinet, but he had received no comments in objection to the Minutes.

He also advised that with regard to Minute No. 367, International Film Studios/Newtown Works, under recommendation (iv) he would be adding Group Leaders to the Due Diligence Working Group.

A Member asked if the new Administration would be allowing access for all Members to any meetings set up, including Boards, which had not always been the case under the previous Administration. The Leader responded that this Administration would be as transparent as it could be and fully understood the need to involve as many Members as possible in decision making. The new Cabinet was made up of a majority of Members who knew exactly what it was like to be in opposition, so they understood the position and fully intended to allow as many appropriate Members to attend appropriate meetings as possible. There could not be a blanket position as there may need to be meetings from time to time that had a more restricted attendance, but they did not intend to set up as many of these types of Boards as there had been previously as he preferred a cross-party working group approach.

**Resolved:**

**That the Minutes of the Meeting of the Cabinet held on the 30<sup>th</sup> March 2023 be approved and confirmed as a correct record.**

## **45 Leader's Announcements**

The Leader welcomed all Members, both new and returning, to this first Cabinet Meeting of the new Administration. He also wanted to extend a thank you to Council Officers for their patience and guidance in bringing the new Cabinet Members up to speed over the last few weeks.

In terms of announcements, he wanted to thank Councillor Hayward and 'Find a Voice' for stepping in to get the Ashford Festival in the Park back on track. With the charity taking on administration of the event, and along with the support of Council Officers, Festival in the Park would now be able to go ahead over the weekend of 25<sup>th</sup> – 27<sup>th</sup> August.

The Leader also advised that Ashford's first Food and Drink Festival would be happening during July, with the launch event at Coachworks tomorrow (Friday 30<sup>th</sup> June). There was a full programme of events across the Borough throughout July, but the opening weekend would feature ASHFOOD! – A two-day event at Elwick Place on Saturday 1<sup>st</sup> and Sunday 2<sup>nd</sup> July, celebrating the producers, restaurants, pop-ups, and bars from Ashford Town Centre and beyond. This would include live music, children's crafts, DJs and more and be a great family-friendly celebration of food and drink. Everyone was invited to the free launch at Coachworks where there would also be live music, family-friendly pizza making workshops, an independent food and drink market, as well as Coachworks' regular fantastic food and drink offerings. Coachworks would also have a full line-up of activities during the month.

## **46 Ashford Borough Council Annual Performance Report 2022/23**

The Head of Policy and Performance introduced the report which summarised some of the achievements and milestones the Council had realised over the year in the

context of the Corporate Plan 2022 – 2024 and summarised performance against the Council's suite of Key Performance Indicators (KPI's) for the year 2022 – 2023.

In accordance with Procedure Rule 9.3, Mr Ransley, a local resident had registered to speak on this item. He said that the Annual Report stated that £400,000 had been spent on the Park Farm playground, but he understood that the actual figure was £313,000 (plus bike racks which had not yet been installed). He asked why investment had been overstated by ABC in the run up to the Elections and had still not been corrected in this report.

The Head of Policy and Performance thanked Mr Ransley for his question. She said that she understood responses had been issued to his Freedom of Information request and Accounts query on the same matter, but for clarity - Central Park, Park Farm play area had been officially opened during the period covered by this Annual Report. This regeneration project was one of three play areas now regenerated as part of the Play Area Investment report presented to and approved by Cabinet in September 2021. The report presented in 2021 had a budgetary figure of £1.1m to regenerate three key priority play locations – Central Park – Park Farm, Rylands Road and the Spearpoint Recreation ground. The report indicatively broke down the budget for the project across the three sites and allocated circa £400,000 to the Park Farm site. It was those budgetary figures that had been utilised in the Annual Report. To date, approximately £954,000 of the budget had been spent, with further works to be completed – notably the provision of cycle racks and a MUGA surface at Rylands Road. With the inclusion of this it was expected that the final figure will be closer to the budgeted £1.1m than the current circa £954,000. She would however be happy to amend the Annual report to indicate “a budgeted £400,000” in respect of the Park Farm Play Area.

The Portfolio Holder for Recreation and Public Spaces said that the figures had been indicative and savings had actually been made on procurement. She assured that in such circumstances any remaining funds would be put back in to the overall budget for parks and play areas.

Members asked a number of questions on the report and the following responses were given: -

- In terms of measures to reduce the number of local car journeys and how the success of cycling initiatives had been measured, the Head of Policy and Performance advised that there had been lots of activity to encourage cycling, including the recent 'Cars vs Handlebars' campaign. There was a good network of local cycling routes, but there was perhaps a need to better promote them and this would be part of the work of the Climate Action Team. There was also a recognised need to better collect and monitor data on reducing car journeys as part of the Performance Report process. The Deputy Leader advised that they intended to resurrect the Local Cycling and Walking Infrastructure Plan (LCWIP) and he would be happy to invite the Shadow Portfolio Holders to be involved in this important initiative.

- With regard to the Residents Survey, the Head of Policy and Performance advised that the response rate had given a statistically valid sample size. She would be happy to share details of the methodology with Members.
- The current Corporate Plan ran to 2024. Officers would shortly begin work on the new Plan which would be worked up over the next year and come into effect during 2024. All Members would be kept fully involved in the process as it developed, as this Administration wanted to be as inclusive as possible.
- With regard to KPI 56, number of live planning cases, Members were assured that it was a key priority to continue to reduce the backlog of cases. There had been a significant reduction in the last quarter, but the target of 550 probably still remained unachievable all the time the Stodmarsh issue remained live as it certainly inflated the situation. Irrespective of that, the Service was working as hard as it could to get the number down to a more manageable level.
- In terms of the KPIs around Affordable Housing (New Build and On-Street Purchases) it was recognised that the numbers were low. The chief reason was that the pipeline of new affordable housing coming on board had been caught by the Stodmarsh issue. The property market had also not offered suitable properties for purchase. A resolution to the Stodmarsh issue would release more new build properties and they were then looking to up Business Plan targets from 50 new units of social housing per year to 100+. New developments were already being looked at closely for available properties.
- Recycling rate targets would remain at 50% and were not increasing to 65% until 2035. Rates were dropping across the County, but Ashford's aim was to continue to exceed 50%. Final quarter figures from 2022/23 were still awaited from DEFRA to give the complete year's position. The Leader said that figures would be shared with Shadow Portfolio Holders once received. A Member said there was an element of recycling 'fatigue' amongst residents and it was important to recognise that and find new ways to re-energise and engage residents going forward.

**Resolved:**

**That the contents of the Annual Performance Report be noted and its publication on the Council's website be approved.**

## **47 Final Outturn 2022/23**

The Service Lead - Finance introduced the report. It advised that 2022/23 had been a very challenging financial year for the Council, with inflation and interest rates rising rapidly and unexpectedly. The General Fund had reported a deficit of £484,000 for the year overall with a £1.8m pressure in operational budgets. There was also significant draw on reserves in year with operational reserves reducing by £1.8m. The report also contained some commentary on the challenges looking forward to 2023/24. The Leader said it was recognised that the Council faced

significant budgetary issues and there would be a need to make difficult decisions. This Administration was prepared to tackle that head on and continue to follow the direction and methodology that had been set previously.

A Member asked about the £68k provision in the previous budget to protect the G-Line bus service and asked if that would be retained to assist wider Stagecoach bus provision in and around the town. He knew KCC would be using a proportion of Bus Service Improvement Plan (BSIP) funding for this purpose, but it was likely to concentrate on home to school provision which was a statutory responsibility, so he felt the Districts also had a role to play. The Service Lead – Finance confirmed that the £68k was still committed in operational reserves. The Leader said that there was a delicate balance. He knew the provision had been made originally to support the G-Line but he thought it was inappropriate for the Districts to ‘prop up’ services that were KCC’s responsibility to deliver. It would need careful consideration and a sustainable solution. There seemed to be a number of local Members meeting Stagecoach in different capacities and he hoped one co-ordinated meeting could be arranged. Another Member mentioned the disbanded Quality Bus Partnership (QBP) meetings which had been a useful forum and asked if these could be revived. The Safety and Wellbeing Manager advised these had been cancelled during the pandemic, but she understood that KCC wanted to re-establish these as ‘District Bus Focus Groups’ and ABC would welcome that.

A Member said that there had previously been a Medium Term Financial Plan Task Group involving Members from across the Council, which had met quite regularly. In light of the current budgetary position he asked if any thought had been given to resurrecting that in order to monitor finances. The Leader said this was something he would certainly consider.

**Resolved:**

- That**
- (i) the financial outturn for 2022/23 be noted.**
  - (ii) the Capital Outturn, Collection Fund position, and Treasury Management update be noted.**
  - (iii) the provisional reserve transfers and position (Table 2 of the report refers) be approved.**
  - (iv) the Looking Forward section of the report be noted.**
  - (v) responsibility be delegated to the Chief Financial Officer to make any minor changes to reserves, in consultation with the Leader of the Council.**
  - (vi) the update and continued support for Tenterden Leisure Centre, while a new long term operator is tendered for, be noted.**

## **48 Business Continuity Policy**

The Safety and Wellbeing Manager introduced the report which presented the Borough Council's updated Business Continuity Policy for adoption. The Policy highlighted the roles and responsibilities for Business Continuity as required by the Civil Contingencies Act 2004.

In response to a question about cyber-attacks, the Safety and Wellbeing Manager advised that there were separate IT policies on cyber security and this was an area where the Council was very well covered.

With regard to testing, this was obviously vitally important and there were regular 'real life' and table top exercises on both business continuity and emergency planning. They worked closely with the Kent Resilience Forum and the effectiveness of arrangements had been demonstrated over the last few years with several planned and unplanned incidents such as the Covid-19 pandemic, preparing for the exit from the EU, and responding to other emergency events. There would be a Member training session on business continuity and emergency planning later that year to aid Members' understanding.

The Safety and Wellbeing Manager outlined the process that would be followed in the event of an emergency scenario, particularly out of hours, involving Operational Officers, Strategic Leads, Portfolio Holders and Control and Command liaison with the Emergency Services.

### **Resolved:**

**That the Ashford Borough Council Business Continuity Policy be approved and adopted.**

## **49 Adoption of Charing Neighbourhood Plan**

The Portfolio Holder for Planning, Housing Delivery and Communications introduced the report which recommended that the Council formally 'make' (i.e. adopt) the Charing Neighbourhood Plan following the independent examination and referendum process. This would grant the Plan Development Plan status for decision making purposes. She said she was delighted to see another Parish bringing a Neighbourhood Plan forward and thanked those involved for their hard work throughout the process.

In response to a question the Portfolio Holder said they would encourage any local community to bring forward Neighbourhood Plans. It was appreciated that there was a huge amount of work and time involved and it relied on individuals who were dedicated to the process and they were not always easy to find.

### **Recommended:**

**That the Charing Neighbourhood Plan 2011 – 2030 (incorporating the modifications recommended by the Examiner) be 'made' by Full Council, in**

accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

## **50 Severance Costs Associated with Service Review Savings**

The Director of Customer, Technology and Finance introduced the report, the key purpose of which was to adhere to the requirements of the Local Government Pension Scheme (LGPS) whereby post-holders who satisfy LGPS criteria around age and length of service, are entitled to the early release of their pension in the event they are made redundant. In some circumstances there is a cost to the Council associated with the release of the pension (known as a 'pension strain'). These costs must be approved by Elected Members and the report therefore sought approval of pension strain costs in the worst case scenario that the Council was not able to re-deploy affected post holders.

A Member said that at the Budget setting Full Council meeting, he had requested sight of the full programme of savings, for this year and the years ahead, and this had been denied. He asked if that was yet available. The Leader responded that the full list of ongoing savings was still being worked on and not 'set in stone'. This would be analysed differently as a new Administration and the Full Council would have some tough decisions to make. Work was ongoing and there would be an update in the Financial Monitoring report to the next Cabinet meeting in July.

A Member recognised that it was a tough time for staff and was concerned about the effect cuts were having on the wellbeing of remaining staff. The Assistant Director of HR, Customer Services, Communications and Digitalisation advised that a staff wellbeing survey was planned for later this year and support was in place for staff wellbeing. They did keep a close eye on statistics related to sickness etc.

### **Resolved:**

**That (i) the potential redundancy of the following post holders be noted:**

- a) 5057 Business Support Officer Finance and Customer Services**
- b) 3030 Funding & Partnerships Officer or 6403 Policy & Scrutiny Officer**
- c) 6680 Project Manager (Commercial) or 6197 Cultural Projects Manager.**

**(ii) the delivery of £320k towards the corporate savings target as a result of these changes be noted.**

### **Recommended:**

**That the pension strain costs of up to £206,223, resulting from early release of up to three post holder's Local Government Pension Scheme benefits due to redundancy in the event the Council is unable to redeploy effected post holders, be approved. This to be funded from reserves.**

## **51 Acquisition of Trafalgar House – Use of Chief Executive’s Delegated Authority**

The Assistant Director for Housing introduced the report which notified Members of a decision the Council took during the pre-election publicity period. This was actioned using the Chief Executive’s urgency powers and secured the freehold of the Trafalgar House building on the corner of Bank Street and Elwick Road. The acquisition was subject to strict time pressure and although the Chief Executive’s delegated authority was used to sanction the deal, the then Leader, Deputy Leader, the Portfolio Holder for Housing (who remained in post into the new administration), the Portfolio Holder for Finance, the Portfolio Holder for Property, and the Chair of the Overview and Scrutiny Committee (now Leader) were briefed about the decision to move forward with the project and all agreed with the decision, subject to due diligence. The report contained an exempt appendix covering much of the sensitive detail related to the acquisition. This was exempt in order to protect various commercial interests and significant sensitivities, which were outlined in that section of the report. The Council exchanged contracts on Trafalgar House on Wednesday 24th May 2023 and completed on Tuesday 30th May 2023.

The Portfolio Holder for Homes and Homelessness advised that he continued to support this purchase. The need for Temporary Accommodation was clear and Council management of this site should improve the overall situation there. The site had been inspected by the fire service and they had received assurances on fire safety.

In response to a question, the Portfolio Holder confirmed that the Council would be receptive to any viable sites for Temporary Accommodation across the Borough, not just in and around the town centre.

### **Resolved:**

- That**
- (i) it be noted that the Chief Executive has exercised her urgency powers to secure the acquisition.**
  - (ii) it be noted that all relevant due diligence has been undertaken by Officers.**
  - (iii) the content of the exempt appendix be noted.**

## **52 Joint Transportation Board – Minutes of 6<sup>th</sup> June 2023**

### **Resolved:**

**That the Minutes of the Meeting of the Joint Transportation Board held on the 6<sup>th</sup> June 2023 be received and noted.**



### **53 Trading and Enterprise Board – Minutes of 4<sup>th</sup> April 2023**

**Resolved:**

**That the Minutes of the Meeting of the Trading and Enterprise Board held on the 4<sup>th</sup> April 2023 be approved and adopted.**

### **54 Ashford Strategic Delivery Board – Notes of 21<sup>st</sup> April 2023**

**Resolved:**

**That the Notes of the Meeting of the Ashford Strategic Delivery Board held on the 21<sup>st</sup> April 2023 be received and noted.**

### **55 Compliance and Enforcement Board – Notes of 25<sup>th</sup> April 2023**

**Resolved:**

**That the Notes of the Meeting of the Compliance and Enforcement Board held on the 25<sup>th</sup> April 2023 be received and noted.**

### **56 Climate Change Advisory Committee – Notes of 28<sup>th</sup> March 2023**

**Resolved:**

**That the Notes of the Meeting of the Climate Change Advisory Committee held on the 28<sup>th</sup> March 2023 be received and noted.**

### **57 IT and Digital Transformation Advisory Committee – Notes of 23<sup>rd</sup> March 2023**

**Resolved:**

**That the Notes of the Meeting of the IT and Digital Transformation Advisory Committee held on the 23<sup>rd</sup> March 2023 be approved and adopted.**

## **58 Local Plan and Planning Policy Task Group – Notes of 17<sup>th</sup> March 2023**

### **Resolved:**

**That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 17<sup>th</sup> March 2023 be received and noted.**

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

In accordance with Procedure Rule 9.3, Mr Ransley, a local resident had registered to speak on this item. He said that from a simple on-line search he had not been able to find a Council policy on Corruption, Fraud and Whistleblowing. He thought this was an unusual situation as all other Local Authorities in Kent had one and asked if the Cabinet would be receiving a policy on Corruption, Fraud and Whistleblowing soon?

The Portfolio Holder for Performance and Direction advised that this had been included in Mid-Kent Audit's work plan for the year and they would be reviewing the policy this year and this would be reported to the Audit Committee (date TBC).

The Head of Policy and Performance confirmed that the Council did have Corruption, Fraud and Whistleblowing policies within its Constitution and she could provide details to Mr Ransley. There were also internal policies for staff within their Conditions of Service.

### **Resolved:**

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