

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **19th October 2023**.

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, Joseph, Leavey, Ledger, Link, McGeever, Michael, Mulholland, Nilsson, Ovenden, Pickering, Roden, Shilton, Spain, C Suddards, L Suddards, Townend, Walder, Wright.

Also Present:

Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Director of Customer, Technology and Finance, Director Health and Wellbeing, Director of Place, Space and Leisure, Assistant Director of Environment, Property and Recreation, Assistant Director of HR, Customer Services, Communications and Digitalisation, Principal Solicitor (Strategic Development), Member Services Manager.

Apologies:

Cllrs. Barrett, Meaden, Pauley, Smith.

Prior to the commencement of the meeting Members remained standing for a period of silence for the late Mr Harold Hilder – a Borough Council Member from 1979 to 1991 and a former Leader of the Council and Honorary Alderman, and Mr Derek Smyth - a Kent County Council Member from 1998 to 2009 and 2013 to 2017, who had both passed away recently.

The Reverend Starkings then said prayers.

176 Exempt or Confidential Information

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 there were none, however if Members wished to discuss any Minutes which had arisen from exempt reports, then there would be a need to pass the resolution to exclude the press and public.

177 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a 'Voluntary Announcement' as a Member of Kent County Council and the Central Ashford Community Forum	184

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Feacey	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteer Centre.	180
	Made a 'Voluntary Announcement' as Chairman of the Ashford International Development Company.	180 (a)
Spain	Made a 'Voluntary Announcement' as a Member of Kennington Community Council.	178
Wright	Made a 'Voluntary Announcement' as a Trustee of Repton Connect Community Centre	180

178 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 20th July 2023 be approved and confirmed as a correct record.

179 Announcements

(a) The Mayor

The Mayor said that due to the potential length of the agenda this evening and the conferment ceremony for the Honorary Alderman after the meeting, he did not intend to make any major announcements this evening.

(b) Leader of the Council

The Leader said that following the Mayor's example he would cut down the length of the announcements he was going to make this evening.

He did just want to draw Members attention to a Leader's Briefing Note that would be coming forward on nutrient neutrality and the Council's position, so he encouraged Members to look out for that.

The Leader said he would also just like to take the opportunity to say a big thank you to the Council's Officers. Over the last three years, particularly following the Covid pandemic, they had experienced a lot of uncertainty. The uncertain Political world also had a massive effect on everything they did and there had been many changes. The Council had an excellent Chief Executive, an excellent Board of Directors and they had chosen excellent staff beneath them. He asked colleagues to remember that staff were not there to serve them as Members, they were there to advise and guide Members and Members were there to guide them also. He thought that was important to bear in mind as they went forward.

(c) Councillor Chilton

Councillor Chilton said he wanted to take the opportunity to say a few words about the life and service of Derek Smyth, who had not served on this Authority, but had been the

County Councillor for Ashford South for some 15 years. He wanted to thank the many residents of Ashford who had got in touch with Labour Group colleagues and Derek's widow Norma who was present this evening, to express their thanks for all he had done in his time as a County Councillor. He also wanted to thank Officers of this Council for the many tributes received and in particular the statements put out by the Ashford Independent and Green Groups and comments received from many Conservative colleagues as well.

Derek was Labour's Deputy Leader for Kent for many years and their spokesman for finance and he was utterly committed to South Ashford. Norma would often joke that he spent more time in South Ashford than he did at home, but this was actually true and anyone who knew him would remember his as a true gentleman, a very kind man, a man with great humour and a very caring man who was committed to public service. He was a staunch believer in the European ideal, he was committed to tackling climate change and a true champion of social justice. He advised that Derek's funeral would be taking place on Thursday 26th October at 2pm at St Mary's Church in the town centre, with a wake at Ashford International Hotel to follow, and that all would be welcome.

On a personal note, Councillor Chilton said that Derek was his good friend, mentor and the person who brought him in to Politics and he knew all would miss him very much indeed.

180 Cabinet – 27th July and 28th September 2023

(a) Cabinet – 27th July 2023

With reference to Minute No. 102 (Parking Tariff Review), Councillor Dean asked if the Portfolio Holder could confirm that there were no proposed further increases to parking charges for this year. Councillor Campkin, the Portfolio Holder, said that he was happy to confirm this.

Resolved:

That (i) the Minutes of the Meeting of the Cabinet held on the 27th July 2023 be received and noted with the exception of Minute No. 105.

(ii) Minute No. 105 be approved and adopted.

(b) Cabinet – 28th September 2023

Members requested that Minute Nos. 145 and 146 be considered separately.

With reference to Minute No. 145 (Updated Senior Structure), Councillor Bell said that whilst there was appreciation of the work undertaken by the Chief Executive to review her Senior Management Structure, there had been a number of concerns raised. Chiefly that the proposals had been presented as a *fait accompli* with limited opportunities to consider the wider objectives of any new structure. Additionally, that the structure appeared to be the result of purely internal review, with no external independent input and he thought this aspect was vitally important. He also thought the structure felt quite old fashioned and top heavy with too many layers and narrow spans of control. To

address those concerns he suggested they delay any immediate implantation plans and take a short period of time to undertake a more comprehensive and independent review of the organisational structure and this should include the commissioning of expert external advice which reflected modern thinking on organisational design. It was accepted that any delay would impact on the need to make savings, but he considered a short pause to consider wider issues would ultimately give a better result, with potentially even more savings, but more importantly a resulting structure that would be more effective in delivering what residents needed. He assured that Members were committed to helping achieve a successful outcome to this project and would willingly participate and provide support where requested.

Councillor Bell therefore proposed that *“Minute No.145 be not agreed and that the Chief Executive undertake a further review of the structure more widely, taking into account independent external advice when making further recommendations.”*

This was seconded by Councillor Heyes.

Other Members supported this view and the use of external consultants and independent advice.

Councillor Harman said she was shocked by colleagues' suggestion the Council revert to a practice of appointing external consultants, at great expense, to put forward proposals which may or may not be accepted by their excellent Management Team or this Council. The Chief Executive had given considerable thought to this subject and approached it with great sensitivity. She believed appointing consultants would be a step backwards and a way of pushing the blame elsewhere and that this Council should not be wasting tax payers money on employing consultants.

Councillor Nilsson said that the overall structure had been agreed during the previous Administration and indeed agreed by the Full Council in 2022. This report only proposed a minor change so she was a little confused at references to 'top heaviness'. No issues had been raised at the Joint Consultative Committee, where there had been a full and frank discussion and she considered there was a need to resolve this and take the uncertainty away from staff.

The Leader said that what they were looking at was a proposal from their appointed Chief Executive who had looked at her staff structure and made decisions with a knowledge of her staff that as Councillors they did not have. She had found a way that both made sense of the structure at the present time and made savings. These recommendations did not preclude a further review of the senior staffing structure going forward. The Administration had changed less than five months ago and he thought it would have been very heavy handed for them to come in and undertake a major review of the senior staffing structure whilst they were in a time of change and uncertainty. He asked Members to think carefully and seriously consider accepting the recommendations at this time, because this genuinely affected individuals' jobs and lives - individuals who had been through a consultation process and he did not want to interfere with that. He would be open to any suggestions going forward on the staff structure. Personally he would like to limit the use of external consultants and focus finances on delivering services for their residents, but if that was seen as preferable he would not rule it out. This Administration had already shown that they were willing to work in a cross-party fashion and he was happy for the group who had been working

with the HR Portfolio Holder to continue to review the structure, perhaps with an external peer group. They employed staff to deliver services and with his involvement with the Senior Leadership Team on a day to day basis, he had seen no evidence of a deficiency within that team.

Following debate, a vote was taken on the proposal put forward by Councillor Bell. This was lost.

The Council then voted on the original Cabinet recommendations in Minute No. 145. These were approved.

With reference to Minute No. 146 (Civic Centre Relocation), Councillor Chilton said he would be proposing deferral of the decision to move the Council Offices from the Civic Centre to International House to the December Full Council meeting (or before if an Extraordinary Meeting could be convened), to allow for the particular questions asked by Members on certain aspects of the move to be answered. He wanted to clarify that this was not an attempt to stop the move, or reject the move outright in any way – he had no sentimental attachment to ‘bricks and mortar’, but he wanted to have a brief pause to ensure that all Members were making a decision based on absolute and adequate information. It had become clear that there were a number of unanswered questions around the decarbonisation agenda, the refurbishment costs of International House and high level details on what would happen to the Civic Centre building and its impact on the HRA. He thought this was probably the biggest decision Members of this Council would make during this Administration and a brief pause of this type would allow for all of that information to be made available. He knew there had been a lot of discussion about working arrangements of staff and presence in the building, but he was keen to stress that this was not his concern, his concerns were purely around the numbers.

The deferral was seconded by Councillor Spain who said that this was about how informed on this the Council was as a whole. He wanted every Member of the Council to be brought up to the same level of knowledge before making a decision. There was no criticism of Officers, but this was a momentous decision for this Council to make and he thought a short deferral should be viewed as a positive and pragmatic move.

Other Members supported the proposal to defer. There was a feeling that the move had been put to Members as a *fait accompli* and there were also concerns about the ability to replicate a Council Chamber type auditorium in International House and unanswered questions about what was going to happen to the Civic Centre building and the costs of occupying International House

Councillor Betty, as Portfolio Holder, said he thought it was important to run through some of the figures to remind colleagues what they were being asked to agree this evening and the key reasons to support the move. These figures had already been reported to Members through the Cabinet papers. This would provide a £1.3 million saving per year, removing a pressure of £6.5m across the Medium Term Financial Plan (MTFP) over the next five years. If the move was not supported there would need to be cuts to services and staff in order to reduce the financial pressures within the MTFP. The consolidation of the Council’s asset portfolio in this way meant that they would keep International House, which had a projected net income of £536,000 for 2024/25 and dispose of the Civic Centre which did not positively contribute to the Council’s income at the moment. They were are also currently responsible for the costs and liabilities of both

buildings and would remain responsible for costs at International House regardless of whether the move proceeded. International House currently had three vacant floors. If they marketed the space to let it was unlikely to attract interest unless the lease agreement covered five years or more. In addition, in-line with current market trends; 1-2 year rent free periods would be expected including fit out of space at the Council's expense, which would likely take years to realise any positive financial position. As had previously been reported, the cost to bring the Civic Centre up to a reasonable standard was in the region of £10.8m. Due to International House having been tenanted over many years and service charges contributing to the maintenance of the building, this put less pressure on the Council's finances as the majority of costs were within a shared service charge. So, delays to the project would see the costs of the project increase and would create risks to the availability and running of the Civic Centre. Critical functions had a high likelihood of failing which would result in further unknown costs and would require staff to work at home on a permanent basis until suitable accommodation could be identified – something that could be mitigated by moving to International House. Anybody who had been in the building that past Monday would have known that the heating had failed. So, in his view, in order to realise the required £1.3 million of yearly savings, timing on the move from the Civic Centre to International House was therefore key and they could not afford to delay the proposal. The move also allowed for the disposal of the Civic Centre, either realising a capital receipt by way of sale to a developer or, the preferred option, the opportunity of repurposing the site to provide much needed social housing. The move and the future options for the Civic Centre needed to be seen in isolation hence the recommendations in front of Members at this meeting. Councillor Betty said he would therefore commend the recommendations within the Cabinet Minutes as this was the only current option available to reduce the significant gap within the MTFP and, if the recommendation was not supported, there would be considerable impact on staffing levels and service delivery to the residents of Ashford.

Councillor Hayward said she thought there was a blurring of the lines on what was strategic and what was operational. She felt that as a Local Councillor she helped to set the strategic direction for their Council as a team and that all Local Councils needed clear strategies and policies to enable them to achieve their vision for the area, make the best use of resources and deliver services that met the needs of local communities. The opportunity presented before them today was a strategic one that would benefit the residents of Ashford greatly. With significant savings made they would then be able to continue to deliver services to meet the needs of their local community. The project would also give an important placemaking opportunity to create much needed quality social housing provision in the Borough. Early indications from the Housing team suggested that the Civic Centre site was a prime site for residential use and should the strategic recommendations before them be supported, further Officer time would then be committed to developing the plans for a future Council decision - i.e. Officers would work on the operational part of the plan. At any time should the plans not fit with the objectives of the Housing delivery plan then the site would follow the usual disposal process and either option would provide considerable savings to the General Fund. Therefore, she considered that either outcome helped the Council to protect delivery of services to communities so it would be a 'win win'. It was for this reason that she would support the strategic decision to move to International House, and would allow Officers to work on operational level detail and report back to Members as the project progressed.

Councillor Nilsson said she would like to support the recommendations in respect of the impact on Ashford Borough Council staff and the subsequent impact on service delivery. Following a great response to the staff consultation she was pleased to advise that staff were broadly supportive of the move and no issues had been raised at the Joint Consultative Committee. In order to meet the same level of savings to those proposed there would need to be a reduction of 32 full time members of staff and this would have a major impact on staff morale. Not only would this mean that key services such as Economic Development and Enforcement would be significantly reduced, but this would also impact the Council's ability to deliver any enhancements to statutory services that provided the current high quality services to residents. She considered that happy employees equalled better customer satisfaction and better productivity.

The Leader said it was important to recognise that this was a three phase project. Phases 1 and 2 would run together – leaving this building and moving to International House. At that stage the Civic Centre building would be closed down and hopefully de-rated so that the costs would go down to zero. At that stage there would be no necessity to make kneejerk reactions about what to do with the Civic Centre building as part of Phase 3 and all options would remain open. This is why it had been planned in this way and there was no pressing need to go in to Masterplanning. They all knew that the Civic Centre building was old and whilst it was still in relatively good cosmetic condition, ultimately it was end of life and certain aspects needed serious attention. In his view the move was the sensible thing to do. He accepted Officers and some Members had a greater knowledge of the detail, but thought this was right and proper. Officers were employed to do a job and they should be trusted to give professional advice and he felt there was an element of insinuating that Officers had an ulterior motive by suggesting that they should dig down into every single financial detail. He did not believe this was their job as Councillors. Having said that, the Leader confirmed he was happy to support a deferral, preferably to an Extraordinary Council meeting sooner rather than later, to provide that extra information to all Members. He took comfort that a majority of colleagues appeared to support the principle of a move and he hoped that given that extra information all colleagues would feel open to supporting the original proposal to move and there would have to be significant reasons to consider voting against.

Following debate the Council agreed to defer Minute No 146, to a future Council meeting, ideally as soon as possible. This would allow for a further briefing and a report to all Members which would include: - the additional financial information on Phases 1 and 2 and some high level information, which was currently available, on future plans for the Civic Centre site (Phase 3).

Resolved:

- That (i) the Minutes of the Meeting of the Cabinet held on the 28th September 2023 be received and noted with the exception of Minute Nos. 145, 146 and 147.**
- (ii) Minute Nos. 145 and 147 be approved and adopted.**
- (iii) Minute No. 146 be deferred to a future Council meeting, ideally as soon as possible, to allow for the information requested to be**

supplied to all Members of the Council before making a final decision.

181 Audit Committee – 3rd October 2023

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 3rd October 2023 be received and noted.

182 Audit Committee – Annual Report 2022/23

The Mayor, as Chair of the Audit Committee, said he would like to thank the staff of the Mid-Kent Audit Partnership who carried out Internal Audit work on behalf of the Council.

Resolved:

That the report be received and noted.

183 Notice of Motion

Councillor Spain introduced a Notice of Motion that he had given pursuant to Procedure Rule 11 and was detailed in full in the Supplementary Agenda.

He said that he was proposing a 'Best of Kent' weekly market in the Town Centre to revitalise the town. One piece of information he wanted to share was that in his research of other parts of the UK he had discovered that a number of towns had been very successful in introducing a Town Centre Market. In particular, in Altrincham, back in 2010, they had a 1/3 vacancy rate in their town centre and had featured in the Top 10 'Ghost Towns' of the UK in the national press, however the introduction of a high quality market with a market manager had seen that vacancy rate reduce to 9.7% by 2018. They now had 8000 visitors to their market on a Saturday. Whilst Ashford was not in such a bad situation as Altrincham in 2010, that substantial impact had revitalised their Town Centre and Ashford needed a similar revitalisation. Looking across the UK the number of successful towns where they had a high quality market, with a particular offer was quite stark and he believed that lighting that fuse in Ashford would help the town to thrive. Reaction to the idea of a good quality market had been tremendously positive and there was goodwill from residents. There were currently a few stalls but if they hit the reset button, got quality stallholders in and really committed to it, including employing a dedicated market manager, he could only see a number of benefits and thought that Ashford could do similar things to Altrincham. He understood that the Motion would stand referred to the Cabinet due to the financial impact, but he hoped any reports would be open-minded and recognise that if this was committed to, it could pay for itself relatively quickly and revitalise the town.

Councillor Spain therefore moved the following Motion: -

"That the Council resolves to: -

1. *Start a 'Best of Kent' market in Ashford in March 2024, showcasing the best of Kent-produced food, drink, produce, services, and experiences, and hold it every Saturday from 9am to 4.30pm on a designated area of the High Street.*
2. *Welcome all traders and stall holders who meet our quality and sustainability standards, with priority given to local businesses and organisations.*
3. *Appoint a market manager who will oversee the operation, promotion, and development of the market, someone who will play a vital role in driving its growth and success.*
4. *Evaluate the market regularly using indicators such as visitor satisfaction, trader feedback, economic impact, visitor numbers, and environmental impact."*

The content of the Motion was seconded by Councillor Chilton.

He said he fully supported the Motion to bring a 'Best of Kent' Market in to Ashford Town Centre. The idea had received a phenomenal level of support in the community and this was no surprise as Ashford was fundamentally a market town. Ashford's entire history and heritage was based on having a market and he fondly remembered the Cattle Market by the Station. He said that the inclusion of this market in the Town Centre would have a number of the impacts. Everybody wanted to see the return of Eurostar to Ashford and he thought having such a market would be of appeal and it would also be of benefit to the number of rural food and drink businesses who could come in to the Town Centre and create a wonderful bustling market that would bring people in to the Town Centre and help the High Street.

The Mayor advised that in accordance with General Procedure Rule 13.5, the Motion would stand referred to the Cabinet.

184 Questions by Members

(a) Question from Councillor Spain to Councillor Betty, Portfolio Holder for Economic Growth and Investment

"How many of the Council's garages are currently rented out, and what is the occupancy rate for each block of garages?; Are there any garages that have been vacant for an extended period, and if so, how long have they remained unoccupied?; Has the Council conducted a recent audit or assessment of the condition of these garage blocks?; If so, please share the findings and any maintenance plans in place?; What are the current return on investment (ROI) figures for the Council's garage blocks and how does this compare with previous ROI figures over the last four years?; What strategies or criteria does the council use to determine which blocks of garages are selected for sale, and what plans or procedures are in place for the council to follow when disposing of these assets, including how the proceeds are utilised?; Has the Council consulted with residents or stakeholders who may be affected by the sale of garage blocks, especially in cases where parking is a concern? If not, please justify why not?"

Reply by Councillor Betty

“Mr Mayor, I would like to thank Councillor Spain for his question and would respond to each part as follows:

How many of the Council's garages are currently rented out, and what is the occupancy rate for each block of garages?

The Council has 1,513 garages, of which 1,028 are currently let. This equates to an overall occupancy rate of 68%.

Are there any garages that have been vacant for an extended period, and if so, how long have they remained unoccupied?

485 garages are currently being held vacant to evaluate and identify the most appropriate course of action for those sites e.g.: rental, sale, redevelopment, etc. Six garages are actively being marketed at present, to be followed by another seventeen shortly. The number of garages being brought to market for let will increase at a manageable rate following the current evaluation exercise.

Has the council conducted a recent audit or assessment of the condition of these garage blocks? If so, please share the findings and any maintenance plans in place?

Condition Surveys were carried out in 2019 which have provided the necessary information on which to base future decisions and are supplemented by additional checks when a garage becomes available. This ensures that individual garages are only marketed for re-letting when they are in a suitable condition. Asbestos surveys are carried out yearly (through Lucion, who are hazardous materials specialists) with the findings being uploaded to a database called NexGen. This allows the Council to keep a track on which garage/blocks contain asbestos including the type of asbestos and the level of risk based on an R rating so that R1 = High risk, R2 = medium risk, R3 = lowest risk. The portfolio currently contains no asbestos rated at R1 but there are R2's and R3's which are being reviewed as part of the annual evaluation. The key priority identified from the annual surveys is to remove any asbestos roofs. All asbestos roofs are planned to be replaced within the next 5 years on those garages identified to be re-let. Smaller maintenance plans are also put in place on a unit-by-unit basis as and when required. In this way the garage stock is continually being reviewed. However, the costs of undertaking any works to the garages clearly have financial implications for the Council which is why the evaluation process is crucial. Condition Surveys can of course be made available if required.

What are the current returns on investment (ROI) figures for the Council's garage blocks and how does this compare with previous ROI figures over the last four years?

The ROI for 2022/23 is 18.7%, for 2021/22 the figure is 16.5% and for 2020/21 the figure is 14.5%. The figures are over a three year period rather than the four years as requested because this is when the garage portfolio transferred from HRA to the General Fund.

What strategies or criteria does the council use to determine which blocks of garages are selected for sale, and what plans or procedures are in place for the council to follow when disposing of these assets, including how the proceeds are utilised?

The process for identifying garages for sale is based on:

1. The material condition of the structure and components
2. Whether there are any Asbestos Containing Materials
3. The occupancy rate
4. Title searches to identify the presence of any restrictive covenants or easements etc.

Once a site is identified for potential disposal, the Housing Department is advised and will undertake an appraisal to determine whether it can be re-purposed for Housing needs. If Housing do not want to pursue a development, the Council will seek to dispose of the site by auction. However, before doing so, the current procedure is that the relevant Parish Council and/or Ward Member are then advised of the Council's intention to auction the garages to allow for feedback. The agreement of the Portfolio Holder is then sought on whether to proceed to auction based on the outcome of these points. The reason that sales are by auction rather than private treaty is to ensure compliance with S123 of the Local Government Act 1972 to achieve best consideration. Any Capital Receipts generated are used to fund capital works to the remaining garage stock.

Has the Council consulted with residents or stakeholders who may be affected by the sale of garage blocks, especially in cases where parking is a concern? If not, please justify why not?

The agreed current procedure involves consultation with the following stakeholders:

- Parish/Community Council
- Ward Member
- Internal consultation with Housing to consider redevelopment
- Portfolio Holder

If parking is a concern, it should be flagged as part of this process by the Parish/Community Council or Ward Member. I am pleased to report that a new Garage Officer has recently been appointed as part of the Estates Team and that a new pro forma checklist was approved by me and finalised several weeks ago for use when reviewing the garage portfolio. The pro forma includes a section on parking and community impact, and to ensure these issues are taken into account on a bottom up rather than the existing top down approach, in future local residents will be notified as part of widening the consultation process to ensure that any parking concerns are captured."

Supplementary Question by Councillor Spain

"I thank Councillor Betty for his comprehensive reply which was very helpful and I especially appreciated the addition of consultation with local people which is very important. My supplementary question is that when you are looking at options for those garage blocks, are considerations made to turn them into wholly parking areas, i.e. to demolish the garages and turn them into solely permit based parking to raise revenue?"

Reply by Councillor Betty

"Yes, in response to that I can confirm that this is one option that is considered. I believe that such schemes do already exist on the portfolio, where garages have been demolished and surface parking has been put in. To put that in to context, current rates for open space parking are £255 per annum, rising to £268 next year."

(b) Question from Councillor Bartlett to Councillor Harman, Portfolio Holder for Planning, Housing Delivery and Communication

“Recent events with the management company at Finberry have left residents without grounds maintenance, with leaves and weeds accumulating on roads and paths, litter bins not being emptied, broken glass in the playing areas, missing lifebuoys at the drainage ponds and litter accumulating across the village. These each have environmental and health and safety issues for the public. What action will ABC now take to support residents?”

Reply by Councillor Harman

“Thank you Mr Mayor and thank you Councillor Bartlett for your question. As Councillor Bartlett will be aware, Crest, the developer at Finberry, are still on site. Although there is a managing agent in place at Finberry, Crest are intervening to ensure that obligations from both the managing agents and residents are being met. From correspondence with the planning team, Councillor Bartlett is also aware that both the planning service and street scene team have provided guidance on the obligations of the managing agents and the potential for legal action from the Council should waste accumulate. I visited Finberry today. It’s a large development so I drove around a large part of it as well as walking around on foot. Some of the grass verges did look in need of a cut and there were certainly places where weeds are growing. The playgrounds and bins I saw were tidy and there was certainly less litter than I routinely see in my own country lanes. It was reported in the KE last week that Finberry residents are taking control of the issues in their community and are forming a Residents Association - which is absolutely the right thing to do. With this in place they will be able to engage collectively with the management company and the developer and bring pressure to address their concerns. This is an action that is actually being replicated across the Borough. The performance of management companies is a nationwide issue that is included in a review of the housing market announced in February by the Competition and Markets Authority (CMA). It is expected that the CMA will delve into the transparency of freehold estate charges and agreements and whether the obligations and costs on new homeowners are considered reasonable and fair. Obviously, it will be some time before the report comes forward. As a Council we are at an important time in our Local Plan making process, embarking on the next iteration of our Local Plan. This is a time for the Council to consider its options and, in the absence of any apparent immediate action by our Government, the Local Plan Review provides us with an opportunity. It is entirely possible to conduct a review of the use of management companies for future developments and maybe consider proposals for alternate options with greater local interest and control for residents. This should be considered for the new Local Plan via the Local Plan and Planning Policy Task Group, which is of course, chaired by Councillor Bartlett and I hope he will bring that forward to that Task Group.”

Supplementary Question by Councillor Bartlett

“Thank you for that response. It seems that we are in some agreement that a policy is required in this Council’s Local Plan to deal with circumstances where the Management Company fails as is the case in Finberry and may also be the case in Bridgefield and Repton although I am not familiar with the precise arrangements in those areas. After all, we all pay the same Council Tax and we expect the same minimum level of services.

Will the Portfolio Holder join with me and condemn the use of management fees as a cash cow during the cost of living crisis?"

Reply by Councillor Harman

"Local Councils of all levels, generally, are not willing to adopt new assets such as highways, lighting, verge maintenance etc. so I find myself unable to 'condemn' the use of Management Companies as it stands at the moment as there is no real alternative when thinking about the assets that need to be maintained. The additional Council Tax generated, after the provision of basic services, does not cover the cost of maintaining the quality of the placemaking that Government are requiring throughout the planning system. In the absence of this adoption, place management organisations have arisen. In the last Local Plan process, Ashford Borough Council recognised that the way in which the provision of public space is developed and maintained has a direct impact on the quality of life for the Borough's residents. As a result, Ashford Borough Council has tried to innovate at the Chilmington Community Management Organisation which was created. Also, in the last Local Plan, the importance of the issue of governance of public space was recognised through Policy IMP4 'Governance of Public Community Space and Facilities' which supports community governance models as a point of principle. It also seeks to ensure that community spaces and facilities are managed to a high standard. I think that the process of how we achieve this is something that the Local Plan and Planning Policy Task Group will enjoy debating and I do support that we look for alternatives."

(c) Question from Councillor Heyes to Councillor Campkin, Deputy Leader

"Many motorists who live in Ashford have to endure the chronic traffic congestion on the A28 Chart Road between the Tank and Matalan roundabouts, particularly in the morning and evening at rush-hours. When the 106 funding from the Chilmington Green development becomes available, can the Portfolio Holder for Transportation assure me that he and his Administration will support the dualing of this stretch of road in order to mitigate the problem?"

Reply by Councillor Campkin

"Yes. Thank you Mr Mayor."

Supplementary Question by Councillor Heyes

"Well I am delighted by that short and positive answer Mr Mayor, thank you. My supplementary question is that there are lots of rumours that the Developers of Chilmington Green have applied to amend the 106 Agreement to withdraw the funding for the dualing. Can the Portfolio Holder comment or does he know anything about this?"

Reply by Councillor Campkin

"This might be a slightly longer answer I'm afraid Mr Mayor. I did check with our Head of Planning earlier and he advised that they have provisionally arranged a further meeting with KCC Officer colleagues in mid-November to discuss how to take this matter forward given that we are nearing the 400 occupation trigger point in the Section 106 Agreement for Chilmington. Hodson, the lead developer, have formally applied to Ashford Borough

Council and Kent County Council to significantly change this obligation, along with many more, in the Section 106 Agreement, but at this stage, neither set of Officers are minded to agree to that. They have indicated that they are willing to discuss it with Hodson. A decision will need to be made when 400 occupations is reached as to whether we seek to restrict any further occupations.”

Supplementary Question by Councillor Bartlett

“Is the Portfolio Holder aware that KCC has just completed a traffic survey of the area between the Tank and Matalan roundabouts which has shown that the road is badly in need of upgrade and dualing in the way Councillor Heyes has explained?”

Reply by Councillor Campkin

“I was not aware of that and I would be very interested in the results and will look in to how we can move that forward. So I am very grateful to Councillor Bartlett for that information, thank you.”

(d) Question from Councillor Charles Suddards to Councillor Wright, Portfolio Holder for Communities and Health

“Could the Portfolio Holder clarify what action the Council intends to take in respect of the gulls in the town centre, as she is aware there have been several complaints concerning these birds?”

Reply by Councillor Wright

“Thank you Mr Mayor, there has been a little bit of discussion about which Portfolio Holder is best placed to answer this question as it is part Town Centre, part Environmental Health, so I am going to pass over to Councillor Betty.”

Reply by Councillor Betty

“Mr Mayor, I would like to thank Councillor Suddards for his question. I understand the issue arises from complaints about the early morning noise created by gulls causing a disturbance to residents in the town centre and surrounding areas. This is an Environmental Health matter which is outside of my portfolio responsibilities, but I am happy to answer given that the question was originally asked of me. In recent years gulls have colonised many inland towns and cities including Ashford. This has given rise to noise and nuisance issues. The Wildlife and Countryside Act 1981 protects all wild birds. It is an offence to kill or injure any birds or their nests or eggs unless acting under a licence and only in compliance with the conditions of that licence. I understand licences are issued by Natural England. A General Licence allows "authorised persons" to undertake certain actions which would otherwise be illegal under the Act but only to certain birds in certain circumstances. All non-lethal methods must be considered first, and only if none are thought suitable can lethal measures then be considered. The General Licences will allow most gulls to be killed and their eggs and nests to be damaged or destroyed, but only for the following reasons:

1. Preserving public health or public or air safety.
2. Preventing the spread of disease.

3. Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or inland waters.

Unfortunately, noise from birds or the fact that they leave droppings or open rubbish bags are not reasons under the Act and, therefore, killing or injuring birds for these reasons is an offence and offenders can be prosecuted. I am not sure where the Council would stand legally if, say, it was to use a hawk as a control measure which went on to kill a gull and whether that could potentially leave the Council open to prosecution. There are limited public health grounds for gull control and surveys undertaken by various institutions have shown that the use of predators or even the active culling of gulls is mainly unsuccessful as a long term deterrent and that the numbers will shortly increase back up to the original optimum number. The Council does not provide a service for dealing with gulls, but Environmental Health Officers are able to provide advice on proofing if they are nesting on a roof causing any issues and advise businesses and colleagues on ways to contain refuse securely and lessen the problems. A campaign to educate the public would also be useful and it is suggested the Council website is updated to include advice in general on gulls. I would fully endorse and support a campaign that educates the public away from feeding birds in the town centre and ensuring that food waste bins are kept firmly secured, particularly in view of the wider pigeon problem. I am aware that a colleague has observed members of the public bringing large bags of bird food to the Lower High Street and then starting to feed the pigeons, so perhaps part of the education programme could for example include incorporating signage around the High Street to discourage the public from actively feeding the birds. I am sure that Environmental Health Officers will be able to provide Councillor Suddards with further advice on these issues as required."

Supplementary Question by Councillor Charles Suddards

"Just to briefly comment, I don't think at any stage I suggested that I expected gulls to be killed in large numbers, I was just asking what action was intended to be taken, which seems to be very little, but I don't have any further questions, thank you."

Supplementary Question by Councillor Bartlett

"I would just ask if either of the Portfolio Holders would kindly look in to the activities that KCC have carried out very successfully in order to deter gulls at the Cobbs Wood recycling centre? These do involve the use of a hawk and this was in order to avoid the impact of them on residents in the nearby Godinton estate."

Reply by Councillor Wright

"I believe the advice was that if the hawk is employed and it kills a gull then there is liability, so it will be interesting to find out how this is dealt with at KCC so we will investigate. Thank you."

(e) Question from Councillor Lyn Suddards to Councillor Hayward, Portfolio Holder for Performance and Direction

"The Portfolio Holder is actively working to increase participation in the civic life of the Borough of Ashford. Labour wholeheartedly supports this. In order that Members from all groups can support this engagement and to have a full civic agenda, will the Portfolio

Holder restore the Civic and Ceremonial Board to oversee the delivery of this important work?"

Reply by Councillor Hayward

"I'm grateful to Councillor Suddards for acknowledging the work that myself, supported by my shadow Cabinet Members, have been doing to increase participation in the diverse and inclusive civic life of the borough. This Administration's top priority is to maintain Council services for our residents and resolve the budget gap that we have been faced with. We are keen to work more efficiently with the Officer resource available. The regular shadow Cabinet Portfolio Holder briefings have provided us an effective and open way of discussing and raising matters and I very much welcome input from and discussion with my fellow Councillor colleagues and feel that via the shadow Portfolio Holders is the most appropriate forum for raising such matters. Given that, I am not intending to re-instate the Civic and Ceremonial Board at this time as the meetings take more Officer time than the combined Portfolio and Shadow Portfolio Holder meetings, which achieve the same cross-party discussions and provide a platform for raising any matters that my colleagues feel should be addressed."

Supplementary Question by Councillor Lyn Suddards

"I am very disappointed and I don't think you've taken my question very seriously and may have to raise this as a Motion at the next Council meeting. I would ask what's happened to the transparency that we all called for in terms of democratic accountability and participation across the parties and would ask if you would reconsider this?"

Reply by Councillor Hayward

"I would just re-iterate that from my point of view the shadow system is working well and if any Councillors wish to discuss these subjects with me they are more than welcome to come and do this outside of these meetings and we can always discuss and follow up."