

## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **22<sup>nd</sup> February 2024**.

### Present:

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

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

### Apologies:

Cllr. Barrett, Nilsson, Chilton.

### Also Present:

Cllrs. Arnold, Bartlett, Bell, Giles, Ledger, Michael, Roden.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Corporate Director of Housing, Customer, Technology and Finance, Corporate Director of Place, Space and Leisure, Corporate Director of Health and Wellbeing, Assistant Director of Environment, Property and Recreation, Head of Policy and Performance, Service Lead – Finance, Principal Solicitor – Strategic Development, Aspire and Parks Portfolio Operations Manager, Project Manager (National Lottery Heritage Fund), Commercial Projects and Recreation Manager, Commercial Portfolio Operations Manager, Leisure Contract Manager, Senior Accountant, Senior Building and Project Surveyor, Communications Officer, Member Services Manager.

## 315 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as a Member of Kent County Council.	317, 318
	Made a Voluntary Announcement as his home adjoined the Sevington Inland Border Facility.	325
Campkin	Made a Voluntary Announcement as a Member of Kent County Council.	317, 318

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Hayward	Made a Voluntary Announcement as their property backed on to Ellingham Industrial Estate.	324
Walder	Made a Voluntary Announcement as they had a site in for submission on the Local Plan 'Call for Sites.	326

## **316 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of the Cabinet held on the 25<sup>th</sup> January 2024 be approved and confirmed as a correct record.**

## **317 Report of the Overview and Scrutiny Budget Scrutiny Task Group**

The Leader thanked Overview and Scrutiny for their initial report and supplementary report which was contained in the update report tabled at the meeting. The Budget Task Group had scrutinised the Council's draft 2024/25 budget over four meetings. The Task Group had made six initial recommendations for the Cabinet to consider when making its final budget proposals to recommend to Council. The Overview and Scrutiny Committee had made a further recommendation to Cabinet following their Meeting on 13<sup>th</sup> February 2024.

The Leader advised that with regard to the initial six recommendations the Cabinet was minded to approve the first five, but not the sixth. They would also be content to agree the additional recommendation in the supplementary report.

A Member, who was also a Member of Kent County Council, said that the issue of recycling credit payments had been discussed at KCC's budget setting Full Council meeting and their legal advice had been that these payments were not due, contrary to the advice this Council had received. So there was a discrepancy which could result in a payment loss of £272k to this Council, and/or expensive legal costs which they hoped could be avoided. The Leader said that there was a dispute, but assured that if the Council was to go down the legal route, they would take the appropriate advice.

### **Resolved:**

**That the following recommendations from the Overview and Scrutiny Committee and its Budget Scrutiny Task Group be approved: -**

- (i) Priority is given to exploring options to develop revenue raising assets, for example, industrial units at the Ninn Lane site subject to satisfactory business modelling.**

- (ii) **The temporary accommodation budget may now be insufficient to meeting further increased demand in homelessness representations. It is proposed that the budget is increased by £445,000 to reflect the increased demand and forecasting. The Task Group also supports the exploring of opportunities to acquire new sites/buildings for temporary accommodation in order to reduce the long-term impact on the general fund revenue costs.**
- (iii) **The Chief Executive undertake a further review of the senior management structure during 2024/25 with the objective of making further financial savings.**
- (iv) **The Key Performance Indicators (KPIs) showing data for planning applications is broken down to show the difference between cases currently held up by Stodmarsh, and those not.**
- (v) **Swift action is undertaken by the Assistant Director of Planning and Development to make an appeal to central Government over the decision not to increase (double) retrospective planning fees, and lobby them to do so.**
- (vi) **It be noted that the Overview and Scrutiny Committee are unable to say at present that the draft budget is sound and achievable and in order to be, it recommended that the Cabinet look to review the following financial risks, and this was agreed: -**
  - (a) **The risk of changes to the interest rates during the 24/25 year affecting the council's short-term debt.**
  - (b) **Risk to the budget resulting from the Cinema proposals.**
  - (c) **KCC Waste and Recycling annual payment loss of £272,000.**
  - (d) **The achievability of the International House savings proposed.**
  - (e) **Risks associated with Dover District's legal action over their Port Health authority.**
  - (f) **Uncertainty regarding future delivery of the Monitoring Centre at the level required by Members and public.**

## **318 Budget 2024/25**

The report presented the final Draft 2024/25 Budget which would be recommended to the Full Council for approval. The Senior Accountant introduced the report and advised that the final budget had a deficit of £350k. This was a reduction of £540k from the Draft Budget and would be funded from the MTFP Risk Reserve. The report recommended a Band D council tax at £187.96, an increase of £5.46 per annum. Funding the 2024/25 deficit from reserves was a short-term strategy whilst the Council and Management Team developed a savings plan. Work on this was already underway and some savings had already been included within the final budget. Further savings proposals would be developed and where they impacted service would be discussed with the MTFP cross party Task Group. The report also

covered the Housing Revenue Account, which included an average increase in rents of 7.7% in line with Government guidance. A number of strategies and framework documents were also included within the report for consideration. Attention was also drawn to the tabled paper which included two responses that had been received during the public consultation along with the Council's own responses as well as a minor change within Appendix G - Capital Programme.

**Resolved:**

- That**
- (i) the budget context be noted.**
  - (ii) the Corporate Director of Health and Wellbeing be delegated authority to set fees and charges relating to the Ashford Port Health Service to ensure the service remains at cost recovery.**
  - (iii) the Chief Finance Officer be delegated powers to establish local discounts in Business Rates in accordance with Government policy.**
  - (iv) the summary of reserves at Table 8 and Appendix C of the report be noted.**
  - (v) the Equality Impact Assessment in Appendix E to the report be noted.**
  - (vi) the savings already made as referenced in Paragraph 3 of the report be noted and the continued working with the MTFP Task Group to identify further saving opportunities be supported.**
  - (vii) a Council Tax premium to second homes be introduced from the 2025/26 financial year onwards (Appendix N to the report refers).**
  - (viii) the amendments to Council Tax empty home premiums be adopted from the 2024/25 financial year onwards (as demonstrated in Table 2 in Appendix N of the report).**
  - (ix) the Housing Revenue Account budget for 2024/25 be approved.**
  - (x) the rent increase of 7.7%, in accordance with Government guidelines, be agreed, and that rent setting for the future continues to follow Government formula.**
  - (xi) the Capital Plan 2024/25 to 2026/27 in Appendix G to the report be approved.**
  - (xii) the ABC Exceptional Circumstances Policy as outlined in Appendix L to the report be approved.**

- (xiii) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves, at Appendix M to the report, be noted.

**Recommended:**

- That (i) the Revenue Budget 2024/25, including the net budget requirement of £21,760,420 (excluding parish precepts), be agreed.
- (ii) the level of Discretionary and Statutory Fees to be levied from 1st April 2024 (as set out in Appendix D to the report) be agreed.
- (iii) the Band D council tax at £187.96 be agreed.
- (iv) the 2024/25 Capital Strategy at Appendix H to the report be approved.
- (v) the MRP Policy as set out in Appendix I to the report, the Treasury Management Strategy Statement at Appendix J to the report, and the Investment Strategy at Appendix K to the report be approved.

### **319 Corporate Performance Report – Quarter 3 2023/24**

The Portfolio Holder introduced the report which summarised performance against the Council's update suite of Key Performance Indicators, reflecting the Corporate Plan 2022-24, for the Quarter 3 period 2023/24.

**Resolved:**

**That the performance data for Quarter 3 2023/24 be received and noted.**

### **320 Ashford Parks Foundation**

The Portfolio Holder introduced the report which and detailed appendix, which followed on from the Cabinet report of July 2023. At that time the Cabinet had supported the exploration of the opportunity of a Parks Foundation for Ashford, via a cross party Task and Finish Group. The work of that Group had now concluded and they thanked all involved for their hard work in what had been quite an intense process. This report brought back a recommendation to Cabinet to pursue the creation of the Foundation, which they wholeheartedly supported.

In response to a question the Aspire and Parks Portfolio Operations Manager advised that the ethos of the Foundation was very much about enabling communities and friends groups to achieve their aspirations. They were engaging with such groups, including the Friends of Victoria Park and would continue to do so throughout the process.

**Resolved:**

- That (i) the principle to create an Ashford Parks Foundation be agreed, together with suitable agreements/memoranda between the Foundation and the Council, and if necessary also other relevant bodies.**
- (ii) authority be delegated to the Deputy Chief Executive/Section151 Officer, Solicitor to the Council & Monitoring Officer, Corporate Director (Place, Space and Leisure) and Assistant Director of Environment, Property and Recreation, working together as a Steering Group, in consultation with the Portfolio Holder for Recreation and Public Spaces, to take all necessary legal advice and determine the organisational structure, constitution and all related documentation appropriate to implement the above decision.**
- (iii) the intention to recruit to the three vacant posts identified within the EPR Restructure (April 2023) in such a way as to enable the incorporation/transfer of one or more post(s) into the Foundation in due course, be noted.**

## **321 Tenterden Leisure Centre Procurement**

The Portfolio Holder introduced the report which advised that in April 2023, Tenterden Leisure Centre Trust had surrendered their lease for the Centre and Serco had ceased being the operator. Freedom Leisure had taken on the operation of Tenterden Leisure Centre (TLC) on an interim two year contract. The report detailed the approach to the procurement process to appoint a leisure operator of TLC on a ten year contract.

**Resolved:**

- That (i) a procurement exercise to appoint an operator of Tenterden Leisure Centre on a ten year contract be commenced.**
- (ii) up to £3million in capital funds be made available to operators to make improvements to Tenterden Leisure Centre. The capital payback must be demonstrable through the operators ten year business plan, and this will be scrutinised by the project team with support from specialist leisure consultant (Max Associates) and the Portfolio Holder.**
- (iii) authority be delegated to the Deputy Chief Executive/Section151 Officer, the Solicitor to the Council and Monitoring Officer and the relevant Corporate Director and Assistant Director, in consultation with the Portfolio Holder, to approve recommendation of the Preferred Bidder. The outcome of the process will be reported to Cabinet.**

## **322 Corporate Asbestos Management Policy, Procedure and Plans**

The Portfolio Holder introduced the report which sought agreement of the revised Asbestos Management Policy, Procedure and Plans. These documents were last reviewed in 2018 and were now due for renewal due to the timeframe. The Policy had been revised and updated to provide additional clarity relevant to Officer responsibilities and to further strengthen governance of the management of asbestos within the commercial property and residential portfolios. The revised Policy and Procedure aimed to streamline arrangements to enable the organisation to respond quickly to anticipate changes to legislation

### **Resolved:**

- That (i) the revised Asbestos Management Policy, Procedure and Plans for both corporate property and the residential portfolio be agreed.**
- (ii) the Assistant Director of Environment, Property and Recreation and Assistant Director of Housing be authorised to agree any minor amendments to this policy, procedure and plans.**

## **323 Renewal of the LASER Contract for the Supply of Gas and Electricity**

The Portfolio Holder introduced the report which explained that the Council currently purchased its gas and electricity through the LASER consortium - an energy buying group which represented over 200 public bodies in the UK), of which the Council had been a member of since 1994. The current purchasing agreement came to an end in September 2024 and the Council would need to enter into a new contract if it wished to continue purchasing utilities in this way. The report identified the different options open to the Council when it came to the procurement of utilities and explained the advantages of LASER. The report sought Cabinet approval to enter into a new LASER contract so that the Council could continue to procure its utilities through the LASER consortium for the next four years.

In response to a question the Portfolio Holder advised that there was some comparative data with other options included within the report.

### **Resolved:**

- That (i) the Council enter into a new LASER agreement so that it can continue to procure its utilities through the LASER consortium until the 30<sup>th</sup> September 2028.**

- (ii) authority be delegated to the Corporate Director of Place, Space and Leisure to enter into such agreement in relation to the above recommendation.
- (iii) the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

### **324 Roof Replacement, Thermal Upgrade and PV Installation at Ellingham Industrial Estate**

The Portfolio Holder introduced the report which advised that in March 2023 Full Council had granted approval to proceed with the re-roofing of Ellingham Industrial Estate. Since approval an opportunity had arisen to significantly decarbonise the site by installing PV solar panels to the proposed new roofs which created an opportunity for the Council to either sell electricity to tenants at a favourable rate for both ABC and the tenant, or sell back to the national grid. These improvement works would make the unit lettings more desirable resulting in more favourable rental levels for Council assets, supporting the Medium Term Financial Plan (MTFP). The cost of the Solar Panels is £500k with a return on investment period of approximately 7 years. This was an 'invest to save' project alongside supporting the Borough Council's Carbon reduction agenda. It was envisaged that the refurbishment project would be completed in four phases over a 12 to 14 month period. The works would be carried out in 2024/2025 with appointment of the main contractor in spring 2024.

#### **Resolved:**

- That
- (i) the additional £500k spend for the installation of photovoltaic solar array be agreed.
  - (ii) authority be delegated to the Assistant Director of Environment, Property and Recreation to negotiate the sale of electricity either to the Ellingham tenants and/or the National Grid
  - (iii) the positive impact on carbon reduction within the Estate be noted.
  - (iv) the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.

### **325 Use of Chief Executive's Urgency Powers – Revision to Agreed Staffing – Ashford Borough Council Enforcement at Sevington Border Control Post**

The Director of Health and Wellbeing introduced the report which notified Members of a pragmatic decision taken about the previously agreed plans for staffing the product border control posts at Sevington. This was essentially to revert to what was



originally agreed in terms of staffing commitment for the facility. There was no financial risk to the Council as funding was supplied by DEFRA. The timescales involved with regard to getting operationally ready required immediate action which prevented fitting into normal Committee cycles.

A Member asked about the situation with Dover District Council's facility and whether there had been any negotiations regarding TUPE transfer of staff to Ashford. The Director of Health and Wellbeing advised that they had made efforts to talk to Dover District Council about this. They had currently had no response but would continue to make efforts. In response to a further question, the Director of Health and Wellbeing advised that Section 31 Grants would begin to be scaled down from June 2024 as, by then, they would have begun to generate an income from April through fees and charges

The Portfolio Holder's comments on the report had been included within the tabled papers. They wanted to thank the Director of Health and Wellbeing and all of the staff for the incredible amount of work that had been undertaken to be prepared for opening, in often difficult and uncertain circumstances.

**Resolved:**

**That it be noted that the Chief Executive has used their emergency powers to enable staffing and recruitment to commence, further to the amendments to the Border Target Operating Model (BTOM) and preparation for the Council undertaking Port Health controls at the Sevington Border Control Post (BCP) beginning on 31st January 2024 and 30th April 2024 respectively.**

## **326 Local Plan and Planning Policy Task Group – Notes of 31<sup>st</sup> January 2024**

**Resolved:**

**That the Notes of the Meeting of the Local Plan and Planning Policy Task Group held on the 31<sup>st</sup> January 2024 be received and noted.**

## **327 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.**

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