

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **25th April 2019**

Present:

Her Worshipful the Mayor, Cllr. Mrs J E Blanford (Chairman);

Cllrs. Adby, Barrett, Bartlett, Mrs Bell, Bell, Bradford, Buchanan, Burgess, Chilton, Clarkson, Clokie, Dehnel, Mrs Dyer, Farrell, Feacey, Galpin, Heyes, Hicks, A Howard, W Howard, Howard-Smith, Iliffe, Knowles, Koowaree, Krause, Link, Macpherson, Miss Martin, Mrs Martin, Pickering, Shorter, Smith, Suddards, Waters, Mrs Webb, Wedgbury, White.

Also Present:

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Member Services Manager (Operational).

Apologies:

Cllrs. Bennett, Michael, Murphy, Ovenden.

Prior to the commencement of the meeting The Reverend Cathie Aldis said prayers. The Mayor then wished Reverend Aldis all the best for her upcoming wedding.

440 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 Director of Law and Governance advised that there were none.

441 Minutes

Resolved:

That the Minutes of the Meeting of the Council held on the 21st February 2019 be approved and confirmed as a correct record.

442 Announcements

(a) The Mayor

The Mayor welcomed everyone to the meeting. She advised that this was the last Council meeting of this four-year term of office and, therefore, an important one so she wanted to start by giving recognition to those Councillors who had decided not to stand in the forthcoming elections. Two of those in particular were stalwart Members of the Council who had given many years of loyal service: - Councillor Mrs Marion Martin and

Councillor George Koowaree. She had worked together with Marion Martin on several Committees and Task Groups and she was a regular contributor to the Conservative Group meetings. There was no doubt about her commitment to her Ward and the people of Ashford. She had not worked with George Koowaree quite so much, but it was clear that he had always been there for his community. He had also been an excellent and popular Mayor on two occasions. She had been told that he once attended a medieval fancy dress ball in Margate dressed as a court jester and would have given much to have seen that!

Councillor Mrs Geraldine Dyer was standing down from the Council after eight years and had been a hardworking Member of the Council. She was currently Deputy Portfolio Holder for Environment and Land Management and had also carried out the role of Mayor which she accomplished with style and aplomb. Councillors Chris Waters, Alex Howard, Ryan McPherson and Beverley Murphy had also decided not to stand again. It was hard work being on the Council and it was not everybody's cup of tea. Nevertheless, she wanted to thank them for the work they had put in over the last four years which was very much appreciated and wished all those standing down success and happiness in the future. Following this meeting there would be a reception to honour Councillors Mrs Martin and Koowaree in the Council Chamber and she hoped all would stay on for a glass of wine or two and to wish good luck to the retirees.

The Mayor advised that there had been a number of contrasting Mayoral events during the last few months. The ones which had perhaps stood out the most were: - attending the Lord Lieutenant's Civic Service at All Saint's Church, Maidstone with a Reception afterwards at the Archbishop's Palace; a tour of the House of Lords including tea overlooking the Thames; a litter picking session in North Park; and a visit to hear the Ashford Choral Society perform at Wye Church. There was also: - a visit from Charing Primary School to find out a little about the Council and how to conduct a formal meeting; a visit and lunch at Rainham Mosque with the Mosques' Association; and a scenic boat trip on the Medway with a tour and tea at Allington Castle afterwards. Most recently she had attended a memorial service in Hamstreet to commemorate the act of Flight Lieutenant Johnson, an American airman, who flew his damaged B17 bomber back from France, kept it in the air while his crew parachuted out over Kent and then deliberately ditched the aeroplane in a field when he realised it would otherwise crash into the village of Hamstreet. It had been an extremely moving occasion. She again wanted to thank all those kind people who accompanied her on many of these occasions. She did enjoy their company and they could expect marks out ten at the end of her year next month!

She advised that the environmental work had been continuing. At the end of March she had a feedback session with the ten primary schools who had set up environmental groups, Eco Warriors etc. and they had all been remarkably active and enthusiastic and spoke very well about their projects. Also in March there had been a call for nominations of individuals and groups to be put forward for an Environmental Award which had brought forth 17 entries covering everything from litter picking to making bricks out of plastic-filled bottles. The Award ceremony would take place on 17th May. At this point she also wanted to say how well Ashford was looking mostly due to the hard work of Aspire but also the wild flowers which looked their best in April and May. Even the little roundabout in Victoria Way (which she from time to time had pointed out needed attention) was looking delightful covered in dandelions and daisies. Sadly, a couple of days after enjoying this she found that someone had mowed the roundabout leaving a

depressing matt green effect. However, not more than a week later, the roundabout was covered with dandelions again. You could not keep a good dandelion down!

The Mayor concluded by advising that there were a number of other events in her diary for May and she wanted to draw attention to three events which she was holding. The first was a visit to the Big Cats reservation in Smarden on 8th May. This was sold out and was very popular with the Mayors. She was also hosting a Nightingale Evening at Moat Farm in Shadoxhurst on 19th May, accompanied by wine and possible sightings of barn owls - she believed there were over twenty barn owl nests on the farm. Thirdly, was a final dinner dance on 11th May at the London Beach Hotel. Tickets were going well for this but, as it was her last hurrah, she would like more support from fellow Councillors. She knew it was difficult to think beyond 2nd May at the moment, but Members could either celebrate their success or drown their sorrows! She really would appreciate it if Members came along and supported her and her charities.

(b) Leader of the Council

The Leader said that as this was the last Full Council meeting before the forthcoming Local Elections and they were in the purdah period, he had consulted with the Monitoring Officer who had advised caution and told him that he had had more to deal with during this election period than previous ones. He would therefore not be updating Members and advising of all of the achievements made in the last four years. He did think, however, that it would be reasonable for him to acknowledge that the new Council, whatever its make-up, would be able to operate in the context of a new, recently adopted, Air Quality Strategy and have the benefit of the newly approved Local Plan, adopted by the Council following the public examination. This importantly confirmed that the Borough did have a Five Year Housing Land Supply and could therefore resist inappropriate and harmful development.

He wanted to thank the businesses that had invested in Ashford over the last four years and those who had visited and boosted the tourism economy. He also wanted to apologise to Ashford's residents and visitors for the disruption to its road network caused by the expansion of the Designer Outlet Centre, the construction of M20 Junction 10A and the building of the new Curious Brewery. These developments would however benefit Ashford in the longer term.

Finally, the Leader wanted to thank all Elected Members of this Authority and Officer colleagues who had contributed to the widely recognised success of the Ashford Borough over the last four years. He particularly wanted to thank those Members who were not standing again and wish them well for the future. Equally he hoped to see many familiar faces, and some new ones, after next week's elections.

443 Questions From Members of the Public

In accordance with Procedure Rule 9.2 Mr Marriott, a member of the public, had applied to ask a question at the meeting regarding Hawkins Rough, Old Wives Lees as follows: -

"How much more money is budgeted and planned to be carried forward into the next Administration budget in order to achieve a successful enforcement, along with the timescale and how can ABC and the Ward Member and Portfolio Holder place itself

above democratic accountability by forcing a resident to attend a Full Council Meeting to ask a question to secure a reply, having written previously with no reply?"

In his view this had been a bungled attempt at enforcement and the cost to the public purse of just under £4,000 (or 15% of the Parish Precept). He showed a brief slide shown outlining the chronology of events and highlighted the ongoing concern of local residents.

Reply by Councillor Clokie - Portfolio Holder for Planning and Development

"Firstly I would like to say that it is nice to have a member of the public coming to Full Council and asking a question. It does demonstrate that Ashford has a very open Council for those who wish to attend.

The site is actually split in to two sites, a north and south site and its historic lawful development certificate allows the stationing of two mobile homes on the land. Following a thorough investigation, formal enforcement action was taken by way of issuing an enforcement notice on the southern side of the site on which there is one mobile home. That enforcement notice, whilst unable to require the mobile home itself to be moved by virtue of the pre-existing lawful development certificate, required the residential use to cease, hard surfacing to be removed and other associated development to be removed also. The enforcement notice was not complied with, thus the Council commenced prosecution action through the courts. The enforcement action has delivered a very good outcome for the Council. It has secured convictions and it has recovered all costs claimed and Ashford Borough Council is not liable to pay any Defence costs either. Ashford Borough Council were awarded all the investigation costs and legal costs that it asked for, namely £10,578. Therefore, Ashford Borough Council have secured repayment of the public funds spent on this court matter and cessation of the residential use of this part of the site. So this has been a success. The Enforcement Notice is extant and therefore if there is good evidence of permanent residential use in respect of this part of the site in the future, a further criminal case could be brought.

In respect of the northern part of the site, as Mr Marriott has previously been advised, there is a current investigation in respect of buildings, hardstanding and the residential use of the caravan on that part of the site and when the investigation is concluded consideration will be given to the expediency of further formal action. Given all of the above, I cannot agree that the Council has either failed to carry out enforcement action, or that enforcement action has not been successful, or that Ashford Borough Council has left its residents out of pocket in respect of this enforcement action.

The planning enforcement service in Ashford is one in which the Council, in recent years, has made a major investment. Much has been done to strengthen the team which has led to demonstrable improvements in performance. There is a working Enforcement Plan that has prioritised reactive work.

Moving forward in respect of the site in question, the northern site, Ashford Borough Council are always happy to receive evidence from local residents. The best results are often achieved when residents work well with the Council and we always remain open to positive engagement from local residents. However, one must understand the need for robust evidence to support any formal action. For example, a number of rubbish bins outside the site does not confirm 'a permanent residence on both sites'. However, if Mr

Marriott or other residents have evidence of people arriving late at night and leaving early in the morning for example, such evidence would be helpful. It is not correct that this question has had to be raised at Council because replies to emails from Mr Marriott have not been forthcoming. Ashford Borough Council's legal team have responded fully to all matters pertaining to this case in many emails going to and fro between the parties, namely: - 12th April 2018; 21st December 2018; 4th January 2019; 25th January 2019; 8th February 2019; 12th February 2019; and 21st February 2019. Further, in respect of furnishing Mr Marriott with the information and answers that he was seeking, our Officers have arranged for the Council's barrister to meet with him and explain the position in full."

444 Cabinet – 14th March and 11th April 2019

(a) Cabinet – 14th March 2019

Resolved:

- That (i) the Minutes of the Meeting of the Cabinet held on the 14th March 2019 be received and noted with the exception of Minute Nos. 367, 372 and 373.**
- (ii) Minute Nos. 367, 372 and 373 be approved and adopted.**

(b) Cabinet – 11th April 2019

Resolved:

- That (i) the Minutes of the Meeting of the Cabinet held on the 11th April 2019 be received and noted with the exception of Minute Nos. 419, 420, 423 and 428.**
- (ii) Minute Nos. 419, 420, 423 and 428 be approved and adopted.**

445 Selection and Constitutional Review Committee – 14th March and 11th April 2019

(a) Selection and Constitutional Review Committee – 14th March 2019

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 14th March 2019 be received and noted.

(b) Selection and Constitutional Review Committee – 11th April 2019

Resolved:

That the Minutes of the Meeting of the Selection and Constitutional Review Committee held on the 11th April 2019 be approved and adopted.

446 Audit Committee – 19th March 2019

Resolved:

That the Minutes of the Meeting of the Audit Committee held on the 19th March 2019 be received and noted.

447 Appointments Committee – 5th March and 3rd April 2019

(a) Appointments Committee – 5th March 2019

Resolved:

That the Minutes of the Meeting of the Appointments Committee held on the 5th March 2019 be received and noted.

(b) Appointments Committee – 3rd April 2019

Resolved:

That the Minutes of the Meeting of the Appointments Committee held on the 3rd April 2019 be received and noted.

448 Standards Committee – 18th March 2019

Resolved:

That the Minutes of the Meeting of the Standards Committee held on the 18th March 2019 be approved and adopted.

449 Annual Report of the Council's Monitoring Officer 2018

Resolved:

That the Annual Report of the Council's Monitoring Officer 2018 be received and noted.

(DS)