

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **11th July 2019**

Present:

Cllr. Clarkson (Chairman);
Cllr. Bartlett (Vice-Chairman);

Cllrs. Barrett, Bell, Buchanan, Clokie, Feacey, Gideon, Pickering.

Apologies:

Cllrs. Shorter, Krause, Ovenden.

Also Present:

Cllrs. Anckorn, Mrs Blanford, Burgess, Forest, Harman, Hayward, Iliffe, Mulholland, Miss Ovenden, Sparks, Turner, Wright.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Finance and IT, Head of Legal and Democracy, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Corporate Policy, Economic Development and Communications, Head of Planning and Development, Cultural Projects Manager, Revenues and Benefits Manager, Economic Development Manager, Environmental Contracts and Enforcement Manager, Senior Recovery Officer, Communications Apprentice, Member Services Manager (Operational).

67 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 13th June 2019 be approved and confirmed as a correct record.

68 Leader's Announcements

The Leader said that firstly he was delighted to inform colleagues that the Council had been awarded just over £3m from the Heritage Lottery Fund to re-vitalise Victoria Park. The funding meant that the Council could deliver its exciting plans to re-develop one of Ashford's oldest and most loved green spaces and they looked forward to working with the local community and the Friends of Victoria Park Group to bring that to fruition.

In addition, the Leader advised that the Council was in the last year of its current Five Year Corporate Plan and there would be a Corporate Away Day taking place in the coming weeks to frame a new plan for the next five years. In advance of that he wanted

to advise colleagues that given where they were in terms of climate, one of the key priorities of that plan, and in fact No.1 on the list of the new Big 8 Projects, would be Ashford seeking to become carbon neutral by 2030 at the latest, with an aim to achieve a reduction of 80% by 2025.

69 Revenues and Benefits Recommended Write-Offs Schedule

The Portfolio Holder introduced the report and drew attention to the tabled paper which reported a minor adjustment to the figures and explained the reasons for that. The report proposed the formal write off of £281,131.79 and explained that the proposals were in line with the Council's Revenues and Benefits Service Write-Off Policy. The Director of Finance and Economy had been consulted along with Heads of Service for relevant areas and the Portfolio Holder thanked the Senior Recovery Officer for her continued hard work in this area.

Resolved:

- That (i) the action that accounts totalling £43,532.76 had been written-off under delegated powers (Financial Regulations 11.1) be noted.**
- (ii) the write-offs listed in the Exempt Appendices totalling £237,599.03 be approved.**

70 Statement of Licensing Policy 2019-2024

The Portfolio Holder introduced the report which presented an updated version of the Council's Statement of Licensing Policy. The new policy reflected changes in legislation and good practices and the report sought agreement to go out to a period of consultation.

Resolved:

That the review of the Statement of Licensing Policy for the Licensing Act 2003 be noted and the Statement of Licensing Policy 2019 – 2024 be agreed for publication for the purposes of consultation.

71 Conningbrook Lakes County Park Masterplan

The Portfolio Holder introduced the report which sought endorsement for the draft Masterplan for Conningbrook Lakes Country Park and to approve the proposal to place the draft Masterplan on the Council's consultation portal for six weeks. It also asked the Cabinet to commend the delivery of the Park for the benefit of the community, subject to relevant funding coming forward.

The Deputy Leader said he wanted to draw attention to a discussion that had been held earlier that day at Kent County Council where they had agreed to launch a new initiative called the Kent Bee Plan. This sought to increase the number of pollinators to reverse the serious decline in numbers in Kent and would involve revising grass cutting

schedules, ensuring pollinator friendly planting on highway verges and change of use of pesticides at the Country Parks run by KCC. It was an extremely important initiative and he considered it was vital that the Borough's new Parks at Conningbrook, Victoria Park and Discovery Park, and indeed the work at the Royal Military Canal, all incorporated this new scheme.

The Deputy Portfolio Holder for Planning and Development said that she wanted to take the opportunity to praise the extra planting in the town this year, which looked extremely pretty, but hoped that in future a mixture of both geraniums and pollinating plants could be used. The Head of Environment and Land Management advised that geraniums had been chosen for their environmental impact as they were long flowering and needed less water.

Resolved:

- That**
- (i) the contents of the report be noted and the draft Masterplan be endorsed.**
 - (ii) Officers be authorised to place the draft Masterplan on the Council's consultation portal for a period of six weeks.**
 - (iii) authority be delegated to the Head of Culture, in consultation with the Portfolio Holder for Culture, Tourism and Leisure, to make any minor changes to the draft Masterplan following the authorised consultation period.**
 - (iv) an approach to paying back previous forward funding spend from the expected £2,054,727 Section 106 funding for the Country Park be agreed, as described in Paragraph 2 of the report.**

72 Conningbrook Housing Phase 2 and Country Pub/Hotel

The Leader drew attention to the tabled paper which advised of some minor amendments to the report.

The report provided an update on the progress of the residential development at Conningbrook H1 and sought approval for entering into the agreement to progress the next phase of residential development at the site (H2). In addition, the report provided an update on the negotiations with the freeholder of the Country Park and the proposed operator of the pub/hotel. The report sought authority from Cabinet to proceed with both proposals.

Resolved:

- That**
- (i) the progress made on the delivery of the residential development at H1 be noted and**

Subject to the satisfaction of Section 123 of the Local Government Act 1972 to: -

- (ii) the principles of an agreement with Brett Aggregates Ltd in respect of Phase 2 of the development at Conningbrook be agreed, on the terms set out in the report and at Exempt Appendix 1, including the disposal of land shown coloured green on the plan attached to the report.
- (iii) the Head of Corporate Property and Projects, in consultation with the Portfolio Holder for Regeneration and Corporate Property and the Director of Finance and Economy, be authorised to finalise negotiations as to the terms of that agreement including the disposal of the Council's land forming part of Phase 2, and to enter in to that agreement.
- (iv) the Head of Corporate Property and Projects, in consultation with the Portfolio Holder for Regeneration and Corporate Property and the Director of Finance and Economy, be authorised to finalise negotiations as to the terms of the lease to be granted to the operator of the pub/hotel and to grant a lease of the land shown edged in red on the plan attached to the report, on such terms as shall be agreed.
- (v) the Head of Corporate Property and Projects, in consultation with the Portfolio Holder for Regeneration and Corporate Property and the Director of Finance and Economy, be authorised to finalise negotiations as to the terms of the Licence to Underlet to be entered into with the freeholder of the Country Park and to enter in to the same.
- (vi) the Head of Corporate Property and Projects, in consultation with the relevant Portfolio Holder and the Director of Finance and Economy, be authorised to apply for and negotiate the necessary amendments to the Section 106 Agreement entered into as part of the original planning consent for the Country Park, to allow for the relocation of the site of the proposed pub/hotel.
- (vii) authority be delegated to the Head of Legal and Democracy, in consultation with the Head of Corporate Property and Projects, to agree, execute and complete all necessary documents required to give effect to the above recommendations.
- (viii) the Head of Corporate Property and Projects and the Director of Finance and Economy be authorised to act as the Council's representatives on the proposed "Design and Contract Forum" under the proposed terms of the agreement.

73 Householder Duty of Care Fixed Penalty Notice

The Portfolio Holder introduced the report which advised of the duty of care that householders had with regard to waste disposal and their obligation to ensure that controlled waste was correctly disposed of and not fly-tipped. This was particularly relevant following recent decisions by KCC to charge for the disposal of certain waste

products. Under Section 34(2A) of the Environmental Protection Act, Local Authorities were now empowered to issue a Fixed Penalty Notice and the report provided options for the level of fine to be applied towards offenders.

The Leader re-iterated that powers would be used pragmatically and Officers did have discretion to consider each matter on its merits on a case by case basis. The Council had always operated in a kind and caring way with regard to its waste collection, and he did not want this to become too onerous for elderly and vulnerable residents who may unwittingly engage organised crime gangs or unscrupulous waste disposal representatives.

The Leader thought it was worth pointing out that where charges had been levied for waste disposal, no significant increase in the levels of fly-tipping had been recorded. It was also worth emphasising that this Council did now prosecute against fly-tipping and had had three successful prosecutions held up in the courts recently. The Deputy Leader further advised that a recent analysis of fly-tipped waste across the County showed that 90% could have been disposed of free of charge, either at household recycling centres or through the usual weekly collections, so the excuse about charging did not really hold any weight.

Resolved:

That a maximum level of default be applied for a Fixed Penalty Notice for a householder failing to comply with their duty of care responsibilities (£400), and that a discounted amount (£300) be applied if the payment is received within 14 days.

74 Council Tax Reduction Scheme 2020/21

The Portfolio Holder introduced the report which set out draft scheme options for consultation which sought to simplify the existing scheme for both the claimants and the administrators. The exceptional hardship scheme had been enhanced to protect claimants who had been most disadvantaged by the proposed changes and there was also a lot more flexibility in the proposed banding than other Council's schemes. It was considered that Ashford was setting a good example. He said it was worth pointing out that Ashford's scheme was the only one in Kent that offered additional protection to the disabled and carers and this would continue in the new scheme.

In response to a question the Portfolio Holder advised that the exceptional hardship scheme would be widely advertised in the appropriate areas.

Resolved:

That the options put forward for public consultation and the proposed form of consultation be agreed.

75 Joint Transportation Board Minutes – 11th June 2019

Resolved:

That the Minutes of the Meeting of the Joint Transportation Board held on the 11th June 2019 be received and noted.

76 Trading and Enterprise Board Minutes – 8th July 2019

Recommended:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 8th July 2019 be approved and adopted.

77 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.

78 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

79 West Kent and Ashford College – Update on the Latest Position and the Council's Financial Agreements with the College

The Leader advised that he had requested this exempt information report to bring colleagues up to date confidentially with the latest position and the Council's financial agreements with the College.

The Leader and Economic Development Manager answered Members questions on the paper. They were both in regular contact with the both the College and the Further Education (FE) Commissioner and were well apprised of the position going forward. Recommendations from the FE Commissioner's review of future structures were expected imminently. In educational terms the College was operating extremely well – it

was over-subscribed and a number of students had recently been awarded with their end of course certificates and qualifications.

Resolved:

That the report and the latest position at West Kent and Ashford College be noted.

Queries concerning these Minutes? Please contact Member Services:
Telephone: 01233 330349 Email: membersservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: <http://ashford.moderngov.co.uk>