

## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **12<sup>th</sup> July 2018**.

### Present:

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

Cllrs. Mrs Bell, Bennett, Bradford, Clokie, Galpin, Pickering, Shorter, White.

### Apologies:

Cllrs. Chilton, Link, Michael.

### Also Present:

Cllrs. Barrett, Buchanan, Burgess, Dehnel, Hicks, Howard-Smith, Knowles, Smith, Suddards.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Head of Finance, Head of Housing, Head of Planning and Development, Head of HR and Customer Services, Head of Corporate Policy, Economic Development and Communications, Head of Community Safety and Wellbeing, Deputy Head of Community Safety and Wellbeing, Human Resources Manager, Cultural Projects Manager, Communications and Marketing Manager, Project Delivery Manager, Principal Solicitor (Strategic Development), Senior Policy and Scrutiny Officer, Senior Recovery Officer, Play and Open Spaces Project Officer, Member Services Manager (Operational).

## 83 Declarations of Interest

Councillor	Interest	Minute No.
Clarkson	Made a Voluntary Announcement as a Director of A Better Choice for Property Ltd	97, 99
Shorter	Made Voluntary Announcements as a Director of A Better Choice for Building Consultancy Ltd and Kent Play Clubs	97

## 84 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 14<sup>th</sup> June 2018 be approved and confirmed as a correct record.**

## 85 Petitions

In accordance with Procedure Rule 9.1 Mrs Harman and Mrs Greener of 'Rural Means Rural' presented a petition to the Cabinet which supported the Landscape Protection Policy advocated by Councillor Jane Martin for inclusion in the Ashford Local Plan 2030.

Mrs Harman advised that 'Rural Means Rural' along with the 2337 residents who had signed the petition, wanted to be able to identify and preserve the special characteristics of the Borough's villages so that development, when it came, met local needs first and foremost, supporting environment, biodiversity and community. They wanted to be able to validate the cumulative effects of successive development that was slowly eroding quality of life for existing residents. She advised that their campaign had struck a chord in Ashford and across many other Kent Boroughs where there were very similar concerns and village residents felt overruled by the planning system. People were concerned about the pace and scale of development and, most importantly, the lack of consideration for the cumulative effects of constant or multiple development. She said that in a nutshell, their petition represented a groundswell of people who were increasingly disillusioned with a planning system that they did not feel respected the views of those affected by the decisions made. For the majority of those people the system was overly bureaucratic and intimidating and the communication around it too complex for them to engage in a timely and effective manner. The Localism Act 2011 aimed to facilitate the devolution of decision-making powers from Central Government control to individuals and communities and they were that community and they called on the Council to give them the tools they needed to stop the unintended consequences of Government policy on their countryside and rural communities.

Mrs Greener said that the Landscape Protection Policy was a tool that was entirely consistent with the concepts set out in the Localism Act 2011. It provided a framework from within a Local Plan that, should a community choose to use it, allowed them to identify and validate special characteristics and protect them, whether they be 'dark skies', quiet roads or open spaces. Rather than being anti-development it was a means to raise the bar, putting the onus on developers to maintain the standards set by the community in which they proposed to build. She advised that they were presenting the petition at this time because the Council had just received the post hearing advice from the Government Planning Inspectors reviewing the Ashford Local Plan 2030. They knew that the Council had recognised value in the Landscape Protection Policy because sections from it appeared in other Policies in the Local Plan. Rural Means Rural proposed that reinstating the Landscape Protection Policy within the Ashford Local Plan would help the Council address the Inspector's advice. The Inspector had questioned the Council's approach to treat all settlements alike and suggested a tiered or graded approach for planning purposes. Their petition represented 2337 people who supported this view. She said that the Inspector's comments in paragraphs 23 and 24 of their advice questioned the indiscriminate application of Policy HOU3A to all settlements,

because suitable development opportunities may not exist within the built up areas of some and others were without significant services or transport facilities. They had also suggested that the cumulative effects of allocated sites and other developments should be translated into any revised policies. Both of these points required a tool for collection of validating data and the Landscape Protection Policy was that tool. Mrs Greener concluded by reiterating that they were presenting this petition to call for the inclusion of the Landscape Protection Policy into the Ashford Local Plan in its entirety, as a systematic approach to settlement planning sought by the Inspectors, and as a means to ensure a more sensitive approach to rural development.

The petition was then received and the Chairman advised that it would be responded to appropriately in due course.

## **86 Leader's Announcements**

The Leader said he was pleased to announce that three appeals seeking planning permission for nearly 500 new homes in the Borough's villages had been withdrawn by the Developer. These had been for 125 houses in Brabourne Lees, 245 homes in Charing and 110 houses in Biddenden. These had been speculative applications - not wanted or welcomed by this Council and were not in the existing or proposed Local Plan. He wanted to thank the hard work of Officers, Parish Councils and local people in fighting against these applications and stressed that this Council would continue to strongly resist any inappropriate or unjustified development and would instead take a Local Plan led approach, including consultation with local residents, to meet the development needs of the Borough.

## **87 Revenues and Benefits Recommended Write-Offs Schedule**

The report proposed the formal write off of 299 accounts totalling £271,773.26. The proposals were in line with the Council's Revenues and Benefits Service Write Off Policy. Provision for bad debts had been made in the final accounts to account for expected write-offs during the year. The Portfolio Holder advised that all reasonable and viable options to recover the debt had been pursued and would continue if possible in to the future. It was though an important part of strong financial management to regularly review and write-off uncollectable debts.

In response to a question from a Member, the Portfolio Holder advised that whilst frustrating, under the law there was no mechanism to pursue debts from an individual who may have had a business liquidated and then resurfaced under a different company name. It was a loophole in that the debt remained with the Company rather than any individual.

### **Resolved:**

**That (i) the action that accounts totalling £43,429.46 have been written off under delegated powers be noted (Financial Regulations 11.1)**

- (ii) **the write-offs listed in the Exempt Appendices to the report, totalling £228,343.80, be approved.**

## **88 Ashford Borough Council Annual Report 2017/18 – People Serving People**

The Leader introduced the report which provided a summary of the achievements and milestones of the Council over the course of the 2017/18 financial year, as well as providing commentary on key performance.

### **Resolved:**

**That the contents of the Annual Report be noted for publication on the Council's website.**

## **89 Disabled Facility Grants**

The Portfolio Holder introduced the report which explained that in October 2017 the Cabinet approved measures to tackle the waiting times of Disabled Facilities Grants. This action had been successful and the report sought to build on that success, setting out a number of proposals to improve services with regards to the overall grants assistance the Council provided for those in the Borough who were disabled and vulnerable. The grants set out in the report would not only focus on those who were disabled, but would also address certain health priorities, such as tackling bed blocking which was costing the NHS millions of pounds a year.

### **Resolved:**

- That**
- (i) the types of assistance available be amended as set out in paragraphs 19 to 44 of the report, in order to utilise the additional funding provided through the Better Care Fund for Disabled Facilities Grants to respond to the needs of the community.**
  - (ii) funding be approved for an additional 12 months secondment of an Occupational Therapist from KCC.**

## **90 Civil Penalties**

The Portfolio Holder introduced the report which advised that the Government had introduced Civil Penalties as part of its campaign to clamp down heavily on criminal landlords. Councils had been given the authority to both determine whether to convict and the level of Civil Penalty to impose. It was the Council's intention to encourage landlords to meet their obligations without the need to impose a Penalty Charge. However, the ability to impose such Charges was likely to be a deterrent and encourage compliance. Adopting the new enforcement powers would assist in dealing with rogue landlords who blatantly broke the rules and the report outlined this power and set out proposals for their use.

**Recommended:**

- That**
- (i) the implementation of Civil Penalties as an alternative to prosecution for housing offences be approved.**
  - (ii) the Civil Penalties Policy at Appendix 1 to the report be approved.**
  - (iii) authority be delegated to the Head of Housing to implement the Policy and take decisions on the appropriate imposition of Civil Penalties and the level of fine.**
  - (iv) authority be delegated to the Head of Housing to set up a procedure to deal with representations following service of a Notice of Intent.**
  - (v) the Council's Constitution be amended as follows:**

**Under Part 3 Appendix 5 "Delegations to the Head of Housing" paragraph 14.1 add:**

**14.1K. "To issue notices and Civil Penalties under the Housing Act 2004 (as amended by the Housing and Planning Act 2016), and to take all necessary steps under the legislation, including deciding on the level of penalty and dealing with representations.**

## **91 Personnel Policy Review**

The Portfolio Holder advised that as part of a wider programme of personnel policy reviews the Cabinet was asked to consider and advise upon three new personnel policies, which materially altered the existing policies. The three new policy documents were: - Disciplinary Policy and Procedure; Performance Management Policy and Procedure; and Welfare Support for Employees Policy. These policies replaced the following policy documents in the current Conditions of Service: - D4 Disciplinary Procedure; M1 Managing Poor Performance (Capability); W1 Welfare Policy; and C2 Compassionate Leave. It was explained that the proposals had been through full consultation, in particular with staff through Unison and the Joint Consultative Committee.

**Resolved:**

**That the following policy documents which form part of the Conditions of Service be reviewed and approved: -**

- (i) Disciplinary Policy and Procedure;**
- (ii) Performance Management Policy and Procedure;**
- (iii) Welfare Support for Employees Policy.**

## **92 Chilham Recreation Ground – Section 106 Funding**

The Portfolio Holder introduced the report which advised that Chilham Parish Council had submitted a funding application for the use of Section 106 funds from local development for improvement works at Chilham Recreation Ground and Old Wives Lees

Recreation Ground. He advised that the proposals had the full support of the Ward Member.

**Resolved:**

- That**
- (i) the release of Section 106 funding be agreed to support the local community of Chilham and Old Wives Lees for improvement works that are compatible with the relevant Borough strategies.**
  - (ii) a funding agreement is implemented between Ashford Borough Council and Chilham Parish Council to ensure the funds are used appropriately.**

### **93 Lease of Kiln Field to Tenterden Town Council**

The Portfolio Holder introduced the report which asked the Cabinet to agree a 25 year lease of the land known as Kiln Field, off Abbott Way, Tenterden, to Tenterden Town Council for the purpose of maintaining the area as a Nature Conservation site. The proposal had the full support of the four Ward Members for Tenterden and provided a legacy for future generations as the Town expanded. The tabled paper included a missing Appendix from the report which detailed a response from the Kent Wildlife Trust.

**Resolved:**

- That**
- (i) the lease of the land known as Kiln Field, off Abbott Way, Tenterden, to Tenterden Town Council be agreed on a 25 year lease at a peppercorn rent.**
  - (ii) the Head of Corporate Property and Projects be given delegated authority, in consultation with the Head of Culture and relevant Portfolio Holders, to complete all tasks and documentation to give effect to the above recommendation.**

### **94 Section 106 Agreements – Annual Monitoring Report**

The Portfolio Holder introduced the report which demonstrated to Councillors and the public how contributions were being collected and applied and that the monitoring of Section 106 contributions remained robust. The report included details of new contributions negotiated, an accounts update, funds received from existing agreements, and an update on projects being funded by Section 106 obligations.

**Resolved:**

**That the report be endorsed and made available online to provide information to the public and provide a transparent record of Section 106 activity over the last financial year.**

## **95 Proposed Multi Storey Car Park – Station Road, Ashford**

The Portfolio Holder for Corporate Property introduced the report which addressed parking provision that would be needed to meet demand as part of the regeneration and development programme in Ashford over the coming years. With some of the existing town centre car parks being identified for redevelopment, it was proposed to explore the potential of the construction of a multi-storey car park on the existing Council owned Station Road car park site at the rear of the bowling alley. The report sought authority to allocate resources to develop these proposals to a stage that would enable the preparation of a business case, construction cost estimate and planning application.

The proposals were further endorsed by the Portfolio Holder for Community Safety and Wellbeing and the Ward Member for Bockhanger who praised the proposed provision for cyclists.

### **Recommended:**

**That expenditure of up to £190,000 and the commitment of Council staff resources be authorised to shape the options available to the Council to construct a multi-storey car park on the existing Station Road car park site.**

## **96 Ashford Town Centre Place Making Board – Terms of Reference**

The report proposed Terms of Reference for the newly established Board prior to its first meeting.

The Leader advised that he was excited about the formation of this new Board and he envisioned it operating in a similar way to the highly successful Ashford Strategic Delivery Board, dealing with masterplanning for a changing town centre under various work streams.

### **Resolved:**

**That the Terms of Reference of the Ashford Town Centre Place Making Board as set out in the Appendix to the report be agreed.**

## **97 Trading and Enterprise Board – 9<sup>th</sup> July 2018**

The Leader thanked the Trading and Enterprise Board (TEB) for their helpful recommendations, in particular with regard to the governance arrangements for A Better Choice for Property Company Ltd. The Cabinet was largely in agreement with the recommendations as presented, but wanted to take them one step further by proposing that whilst the Leader was stepping down as a Director of the Company, he would not be replaced by the Deputy Leader who would in fact continue to serve in his role as Chairman of the TEB and Shareholder (Council) representative. It was proposed that he attend Company Board meetings in this role as an Observer without voting rights. Therefore, no Cabinet Member would be appointed as a Non-Executive Director of the Board of the Limited Company, but a non-Cabinet Member could be appointed in the

future. With the appointment of the three external Directors (and a potential fourth in the future), this was all with a view to ensuring the Company was more arm's length from the Cabinet/Council.

The Deputy Leader said he supported the amended recommendations, and notwithstanding the report later on this Agenda, he hoped that all concerned would now grant the Company a period of stability to allow it to get on with generating an income which would ultimately benefit the Council and the residents of the Borough.

**Resolved:**

**That the Minutes of the Meeting of the Trading and Enterprise Board held on the 9<sup>th</sup> July 2018 be approved and adopted with the exception of Minute Nos. 76 and 77 and Resolution (ii) and the Recommendation in Minute No. 78.**

**Recommended:**

- That (i) Minute Nos. 76, 77 and the Recommendation in Minute No.78 be approved and adopted.**
- (ii) Resolution (ii) of Minute No. 78 be amended to reflect that the Deputy Leader would not be appointed to the ABC Property Company Board and would in fact continue to serve in his role as Chairman of the Trading and Enterprise Board and Shareholder (Council) representative. He would attend Company Board meetings in this role as an Observer without voting rights.**

## **98 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.**

## **99 Report of the Overview and Scrutiny Committee – Recommendations on A Better Choice for Property**

The report presented five recommendations from the Overview and Scrutiny Committee's examination of the A Better Choice for Property Company.

The Leader said he did have a concern over Recommendation (i) which referred to affordable social rented property, local needs housing and specific accommodation for vulnerable people. None of these elements were provided by the Property Company and this was not the purpose for setting it up. He therefore considered it was more sensible to note the five recommendations at this stage for further examination and report back to the Chairman of the Overview and Scrutiny Committee in due course.



**Resolved:**

**That the recommendations from the Overview and Scrutiny Committee be noted for further examination.**

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