

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **13th September 2018**.

Present:

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

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

Apologies:

Cllrs. Bennett, Buchanan, Burgess, Hicks, Knowles, Link.

Also Present:

Cllrs. Barrett, Bartlett, Ovenden, Wedgbury.

Chief Executive, Director of Law and Governance, Director of Finance and Economy, Head of Legal and Democracy, Head of Planning and Development, Head of Corporate Policy, Economic Development and Communications, Head of Community Safety and Wellbeing, Head of Environment and Land Management, Head of Corporate Property and Projects, Senior Commercial Development Manager, Chilmington Community Management Organisation Project Manager, Environmental Protection and Licensing Team Leader, Monitoring Centre Team Leader, Principal Solicitor (Strategic Development), Principal Urban Designer, Policy and Research Assistant, Senior Communications Officer, Communications Officer, Member Services Manager (Operational).

The Leader of the Council advised that Agenda Item 28 – Elwick Place had been withdrawn from the Agenda.

142 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Made a Voluntary Announcement as Kent County Council Member for the Ashford Rural East Division (which includes Wye).	155
Wedgbury	Made a Voluntary Announcement as a member of the Fire Fighters Credit Union	145

143 Minutes

Resolved:

That the Minutes of the Meeting of the Cabinet held on the 12th July 2018 be approved and confirmed as a correct record.

144 Cabinet Response to Overview and Scrutiny Recommendations on Commercial Investment

The Portfolio Holder for Corporate Property introduced the report which responded to those matters raised by Overview and Scrutiny on the 24th April 2018 and the Cabinet's initial response of the 14th June 2018 on its review of Park Mall and International House. The report provided Cabinet with an update and proposed responses to the original recommendations made by Overview and Scrutiny in April. The Portfolio Holder thanked Overview and Scrutiny for the helpful work they had undertaken on this subject.

The Portfolio Holder for Finance and IT explained the reasons why it was not proposed to adopt recommendation (ii). He said it was difficult to put an empirical value on social value yields. Many of the investments made had a value to the community above and beyond financial considerations. Return targets for individual projects were undertaken and set out in the initial appraisals, These were agreed at the time of purchase and reported in the Annual Report each year, but again many investments were made with social worth objectives in mind and this was covered in recommendation (iii).

Resolved:

- That**
- (i) expenditure of £14,000 over a three year period be authorised to carry out Red Book valuations for the Council's Commercial Investment Portfolio, starting with International House.**
 - (ii) a framework for social value yields and return targets will not be adopted.**
 - (iii) investment and social value objectives will be included within future investment appraisals.**

145 Overview and Scrutiny Recommendations to Cabinet on Kent Savers

The Leader introduced the report which contained recommendations from Overview and Scrutiny about the Council working with the Kent Savers Credit Union and an additional recommendation from Management Team about the Cabinet actively promoting Kent Savers to residents and Council staff. The Leader advised that the Council had previously looked at Kent Savers about four years ago and had decided at that time not to join, but the organisation had now grown and he was pleased that the Council would be getting involved going forward. He proposed two further recommendations related to a review period and any future financial commitments.

Members said they were very supportive of the proposals and Credit Unions in general. They offered a good opportunity for those on low incomes or with low credit ratings to save small amounts of money and at a much better rate of interest than with a bank or building society. It also allowed individuals to improve their credit score by repaying a loan. Credit Unions also provided an alternative option to those who may feel forced in to engaging with Pay Day Loan companies who charged much higher rates of interest.

Resolved:

- That**
- (i) the Cabinet instruct Officers to work with Kent Savers to establish a working relationship and identify ways in which the Council and Kent Savers can work together, with particular reference to homelessness prevention and relief.**
 - (ii) the Cabinet actively promote Kent Savers to residents and Council staff.**
 - (iii) a Bi-Annual review of the proposals be reported to the Cabinet, the first of which would be in September 2020.**
 - (iv) no further financial commitment be made to Kent Savers without Cabinet approval.**

Recommended:

That the Council contribute a subordinated loan of £10,000 to Kent Savers to support their work.

146 Quarter 1 2018/19 Performance Report

The report summarised performance against the Council's newly agreed suite of Key Performance Indicators (KPIs) for Quarter 1 (1st April to 30th June) 2018/19. Certain Performance Indicators from the previous Council framework had been retained and allowed for historic data comparison, however a number of new Performance Indicators had been agreed upon for which data was only available for the last quarter. A summary of all KPIs was appended to the report.

The Portfolio Holder for Finance and IT introduced the report and advised that the new framework would provide much more useable and transferrable data and it would be of use to all Portfolio Holders and Service Heads within their Services. He thanked the Officers involved with devising the new format and they all welcomed feedback over how this could be developed. With regard to gas safety certificates, whilst these were not included within the new report he assured Members that these were still monitored by the Council.

Resolved:

That the performance data for Quarter 2018/19, as at Appendix 1 to the report, be received and noted.

147 Corporate Property Performance – Annual Report 2017/18

The Portfolio Holder for Corporate Property introduced the report which advised that the revenue generated by the Council's Corporate Property portfolio contributed significantly to the Council's income. The income generated for the financial year ending March 2018 was shown in the schedule attached at Appendix 1 to the report. He explained that the Council had experienced a good year in respect of the income it had generated, which amounted to just over £2m after internal recharges. The report also updated on work the Council was undertaking to explore ways to make the existing portfolio more profitable and to seek additional investment opportunities.

Resolved:

- That (i) the revenue performance of the Council's corporate property portfolio during the previous twelve months as provided for in the schedule at Appendix 1 to the report be noted**
- (ii) the work undertaken to increase profitability and investment activity during the previous twelve months and going forward be noted.**

148 Financial Monitoring – Quarter 1 2018/19

The Portfolio Holder introduced the report which presented the forecast outturn for 2018/19 based on actual information to the end of July 2018. The report covered the performance and forecasts of the General Fund and the Housing Revenue Account, with commentary supporting key variances in the body of the report.

Resolved:

- That (i) the forecast outturn position for the General Fund and the Housing Revenue Account be noted.**
- (ii) the capital monitoring and treasury management positions be noted.**

Recommended:

That the fees and charges at Appendix B to the report be approved.

149 LGA Peer Challenge Review

The Leader introduced the report which advised that in April 2018 the Council had welcomed a team of Councillors and Senior Officers from Local Government Association (LGA) member Authorities to complete a peer challenge of the Council's corporate governance. He advised that the final report of the peer challenge team gave high praise to the Council's approach, ambition and impact. The report also noted that the Big 8 Projects and the regeneration of Ashford Town Centre would not have been achieved without the Council's leading and dynamic role. The team had spent four days at the Council, during which they had spoken to more than 90 people including Councillors,

staff, external partners, and their final report made ten key recommendations to the Council. He said the whole exercise had been extremely worthwhile and both the Cabinet and Management Team welcomed the recommendations.

Resolved:

- That (i) the final report and recommendations of the peer challenge at Appendix 1 to the report be noted and the report be approved for publication.**
- (ii) the Peer Challenge Action Plan at Appendix 2 to the report be approved.**

Recommended:

- That (i) a budget of £150,000 be allocated for accelerated delivery of the Digital Transformation Programme.**
- (ii) authority be delegated to the Chief Executive to approve the detailed spend of the £150,000 allocation.**

150 Residents' Survey

The Leader introduced the report which set out the results of the Residents' Survey undertaken between March and April 2018. The results had shown that overall Ashford Borough Council was performing well with residents being satisfied with many of the key services. The results had also highlighted areas in need of improvement and an Action Plan had been developed to address those issues (attached at Appendix 2 to the report). It was proposed that follow up surveys be undertaken every two years to monitor changes in public opinion over time.

Resolved:

- That (i) the results from the 2018 Residents' Survey be received and noted.**
- (ii) the Action Plan arising from the results of the residents' survey be approved.**
- (iii) further surveys be undertaken every other year to monitor key trends in public opinion and focus on specific areas of interest.**

151 Taxi Licensing Policy Amendments

The report presented a number of amendments to the Taxi Licensing Policy 2017-2022, adopted in October 2017, to ensure that it remained up to date and improved public safety. These were set out in Paragraphs 5 (i) – (vi) of the report.

The Environmental Protection and Licensing Team Leader introduced the report and ran through the proposed amendments. He also drew attention to the Tabled Paper which explained that the proposed amendment set out in Paragraph 5 (i) was not required.

Recommended:

- That (i) **the proposed amendments to the Taxi Licensing Policy 2017-2022 be adopted, with the exception of that in Paragraph 5(i) of the report.**
- (ii) **as a result of (i) above, point 1 of the Terms of Reference of the Appeals Committee be amended to reflect that appeals against decisions taken on taxi licensing are also precluded from being heard and determined by that Committee.**

152 Review of the Chilmington Green Area Action Plan

The Portfolio Holder introduced the report which explained that a formal review of the Area Action Plan (AAP), adopted in July 2013, was now necessary to be consistent with planning regulations. The review had concluded that no revisions to the AAP were needed now and that the AAP was not 'out of date' with the recently published National Planning Policy Framework (2018).

Resolved:

- That (i) **the conclusion of the review that the policy framework in the Chilmington Green Area Action Plan (AAP) remains broadly up to date with the policy approach of the National Planning Policy Framework be agreed.**
- (ii) **no revisions to the Chilmington Green AAP, in whole or in part, are required at this stage.**
- (iii) **the Council will undertake another formal review of the Chilmington Green AAP by September 2023.**

153 Public Space CCTV Upgrade

The Portfolio Holder introduced the report which addressed the upgrade of Ashford's public space CCTV cameras, back-office equipment and changes to transmission arrangements. The report also identified additional funding requirements associated with a move to a fully digital enabled network incorporating the Kent Public Service Network. He advised that the move would provide another opportunity for this Council to become more entrepreneurial by being able to easily take on monitoring of cameras for other organisations.

Recommended:

That an additional capital investment of £260,000 be approved to replace the Ashford and Tenterden public space CCTV cameras, associated back office equipment and update transmission arrangements.

154 Kent Municipal Joint Waste Management Strategy - Refresh

The Portfolio Holder introduced the report which gave an update on the very light touch refresh of the Kent Municipal Joint Waste Management Strategy, through the Kent Resource Partnership, which the Cabinet was asked to adopt. A fuller refresh was expected in 2020/21 following anticipated new guidance from Central Government and legislative adjustments following Brexit. She advised that provisional figures to the end of March 2018 showed that recycling figures in Ashford had again increased to 56.6% and this was further good news that was a credit to the residents of the Borough.

In response to a question from a Member the Portfolio Holder advised that there were no plans to reduce the frequency of waste collections in Ashford.

Resolved:

That the refreshed Kent Municipal Joint Waste Management Strategy be adopted.

155 WYE3 Masterplan

The report set out the content of the draft WYE3 Masterplan that had been prepared to establish the mix and quantum of uses appropriate for the redevelopment of the former Imperial College campus at Wye and the outcomes of the recent public consultation exercise on the draft Masterplan. The Cabinet was asked to adopt the Masterplan as informal guidance for development management purposes, subject to amendments set out in the report. The Portfolio Holder advised of a proposed addition to the recommendations with regard to the potential for including grey water measures.

In accordance with Procedure Rule 9.3 Mr Jarman, representing Telereal Trillium, the owners of the site, spoke in support of the proposals. He firstly wanted to express their gratitude to the Officers of the Council, the Parish Council, the local community and the many other organisations who had contributed to the process of preparing the Masterplan. All would be aware that it had been a very intensive process, over a couple of years, and all participants had assisted in bringing the Masterplan to a point he thought all should be proud of. The Masterplan had been subject to a very extensive period of public consultation, including the Parish Council and other bodies, and this had included whole day workshops in January and May 2017, exhibitions in May and September 2017 and further public consultation following the publication of the draft in April 2018. They were pleased to note the positive support of the Masterplan of the Kent Downs AONB Unit, Southern Water, the Environment Agency and KCC Highways and Public Rights of Way. Both Historic England and Natural England had been involved in the process and neither had made any objections. He advised that Highways issues were always a contentious issue in any development plan like this, and KCC Highways had reviewed the very detailed submissions made by their consultants and those commissioned by the Parish Council, to include looking at impact on the level crossing. KCC's view, which they shared, was that the very few occasions that level crossing queues failed to clear were when the Assistant helpfully opened the gates for a very short period of time to allow a few vehicles through – between 45 and 90 seconds at a time, when you could not expect a longer queue to clear. With regard to more general traffic modelling considerations, KCC agreed entirely with all of the other assumptions in

the submitted studies, however the traffic studies had been submitted from scratch so they had looked at every single junction in Wye as well as the level crossing and the junctions with the major roads. In all respects neither safety or capacity issues had been identified. He said that the report before the Cabinet concisely and succinctly summarised all of the key points and they were happy to confirm their full agreement to all of the Task Group's recommended changes. He said that it was almost 10 years since the College closed and it was greatly important that progress was now made in bringing the disused buildings and land back in to productive use, both in terms of benefitting the local area and the wider community. This would provide for new homes, new business floor space and community facilities, as well as restoration of the important listed building complex. In conclusion he said that they firmly believed that the Masterplan before the Cabinet was a very well-considered, effective and robust document and he hoped that they would accept the recommendation to adopt it as informal guidance for development management purposes when determining planning applications in the WYE3 area.

In accordance with Procedure Rule 9.3 Mr Bartley of Wye with Hinxhill Parish Council spoke in objection to the proposals. He said he knew that as Cabinet Members they needed to rely on their Officers to arrange for such consultation exercises and to make recommendations at the end of a fair, thorough, compliant and open process. However, he considered that the WYE3 Masterplan fell well short of those expectations. The Parish Council had raised failures of process repeatedly with Senior Officers for over a year, but only now was the extent of these failures being laid bare. The Neighbourhood Plan was based on evidence and formed part of the development plan. In contrast the Masterplan proposed fundamentally departed from that, based largely on what he viewed as Officers' opinion. This put the Masterplan in conflict with the Council's adopted policy. He advised that consultation on the Masterplan closed on the 8th May, but response papers had only started to emerge since the 30th August. Only this past week it had become clear that public responses were missing from the Council's schedule and therefore they had not been considered. One example was a resident who had raised six clearly numbered points, but the schedule showed only one, whilst another resident had raised six clearly numbered but different points, but the schedule only showed three of these. Traffic was the single most important issue for Wye residents, particularly the level crossing delays. Last year the Parish Council commissioned its own traffic review from MLM Group to challenge the developers assertions and backed MLM's findings with a seven day video of the level crossing. This confirmed the reality that the level crossing did not always clear, even when the trains did run on time. The MLM review had been with the Council since May, but it was only sent to KCC Highways for review yesterday. He also considered that the process did not start with an open minded assessment of all options. For example, the Wye Neighbourhood Plan Examiner's Report (para. 44) referred to the "...potential for a wider range of options to be considered, particularly with regard to the potential use of the ADAS site..." Despite this signal, the developer dismissed all attempts to raise other options. As such he considered that the consultation was not meaningful or transparent. The series of engagement events were in his view essentially box ticking exercises, which produced little to show for the large commitment of public time and money. Several public comments, not just those from the Parish Council, made these failings very clear. Traffic and drainage reports were retrofitted to support the developer's original layout and quantum. As such, these key constraints did not inform the initial workshops and exhibitions. Consequently the process had not met the core aims of the Statement of Community Involvement, for example 'clear concise documents' nor had it

'kept people informed'. Furthermore the lack of response forms in the public library ignored the needs of Wye's elderly population and approximately 20% of its residents who had no internet access. For those and other reasons, he urged the Cabinet to defer consideration of this item.

The Leader said that the Council always listened to and took account of comments received, and indeed the Local Plan and Planning Policy Task Group, which he chaired, had already proposed significant changes to the proposals. This area had been a subject of discussion for a number of years and Wye was viewed as a special heritage village and a historically important part of the Borough. He had been made aware of the fact that the latter traffic survey had only been sent to KCC the previous day and he therefore proposed agreement of the recommendations, but subject to that traffic survey being assessed with no impediment and that the recommendations would not come into force until confirmation of that fact had been received back from KCC. This would also give Officers an opportunity to look into the other claims that certain documents had not been considered that should have been, and that the recommendations would be subject to those points.

The Ward Member thanked the Cabinet for their proposal to defer. He said that whilst he could accept that all parties would never be completely satisfied by the outcome of a Masterplan, he could not accept that parties felt there were omissions in the process and they felt aggrieved because they did not feel they had been informed during the process. A happy outcome was very much balanced by that so he welcomed the opportunity to clarify the facts of this correctly, including all of the points raised by the Parish Council at this meeting.

Resolved:

That, subject to: -

- (a) a satisfactory response with no impediment to the Masterplan being received from KCC Highways on the MLM traffic assessment, and**
- (b) Officers checking that all written points made to the Council as part of the formal consultation on the draft Masterplan have been considered, the draft Masterplan for WYE3 be adopted as informal guidance for development management purposes, subject to the following amendments: -**
 - (i) Change wording to the appropriate Planning and Design Principles section to include further general principles sections on drainage/SUDs and grey water measures in accordance with the items set out in Paragraphs 57 and 63 of the report.**
 - (ii) Confirm that the area known as the 'Strawberry Field' should be retained free from built development and all references to future development should be omitted.**
 - (iii) Any other minor amendments considered necessary by the Head of Planning and Development in consultation with the Portfolio Holder for Planning and Development.**

156 Ashford College Campus – Use of Chief Executive’s Delegated Authority

The report informed Members of the use of the Chief Executive’s delegated authority on the grounds of urgency to vary the approved funding agreement between the Council and West Kent and Ashford College. This was in order to confirm the conversion of the £2million loan for Phase 1 to grant before the delivery of Phase 1a.

Resolved:

That the use of the Chief Executive’s delegated authority on the grounds of urgency (Part 3, Appendix 5 of the Constitution, section 4.9) to vary the approved Funding Agreement in order to agree to the £2million grant for Phase 1 of the Ashford College campus being converted to grant in advance of the delivery of Phase 1a, be noted.

157 Trading and Enterprise Board – 6th August 2018

Resolved:

That the Minutes of the Meeting of the Trading and Enterprise Board held on the 6th August 2018 be received and noted.

158 Local Plan and Planning Policy Task Group – 19th and 30th July 2018

Resolved:

That the Notes of the Meetings of the Local Plan and Planning Policy Task Group held on the 19th and 30th July 2018 be received and noted.

159 Ashford Strategic Delivery Board – 27th July 2018

Resolved:

That the Notes of the Meeting of the Ashford Strategic Delivery Board held on the 27th July 2018 be received and noted.

160 Economic Regeneration and Investment Board – 6th July 2018

Resolved:

That the Notes of the Meeting of the Economic Regeneration and Investment Board held on the 6th July 2018 be received and noted.

161 Ashford Town Centre Place Making Board – 19th July 2018

Resolved:

That the Notes of the Meeting of the Ashford Town Centre Place Making Board held on the 19th July 2018 be received and noted.

162 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.

163 Overview and Scrutiny Recommendations to Cabinet – Chilmington Management Organisation

The report presented a number of recommendations from the Overview and Scrutiny Committee's examination of the Chilmington Management Organisation. The report also contained comments from Management Team which proposed amendments to the original recommendations. In particular that recommendations (i), (ii) and (iv) be adopted, but with the understanding that the limits of the Council's powers may preclude the Council from fully enacting those recommendations.

Resolved:

- That**
- (i) Where developments are granted planning permission within which a management company will be established, planning conditions should be stipulated which require that the Local Planning Authority be notified of the management company's formation and registration with Companies House (taking account of changes in Management Company that may come about). Developers must also detail how residents will be involved in the management of the company and their rights, and the Local Planning Authority should approve this. This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution.**
 - (ii) Where developments are granted planning permission within which a management company will be established, planning conditions should be stipulated which require the developer to supply prospective occupiers of new dwellings with comprehensive information on the management arrangements for the development, (taking account of changes in Management Company that may come about) including such information as:**
 - The Right to Manage (for leaseholders)**
 - Residents' rights under a management company**

- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company

This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution, and it may be best achieved through including a dedicated page on the Council's website which signposts residents to information held on www.gov.uk

- (iii) The Council produce a 'Resident Trustee Pack' for occupiers of existing and new developments with a management company, including such information as:

- The Right to Manage (for leaseholders)
- Resident's right under a management company
- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company.

This resolution may be best achieved through including a dedicated page on the Council's website which signposts residents to information held on www.gov.uk

- (iv) The Council establish and maintain a record of all Management Companies operating in the borough and the assets that these companies maintain. This is on the understanding that the limits of the Council's powers may preclude the Council from fully enacting this resolution.
- (v) The Council lobby central Government to introduce a legal requirement for resident Management Companies to register with the relevant local planning authority.