

## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **9<sup>th</sup> June 2016**.

### Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Mrs Blanford, Bradford, Galpin, Knowles, Shorter.

### Apologies:

Cllrs. Bennett, Britcher, Clokie, Michael.

### Also Present:

Cllrs. Bartlett, Krause, Link, Pickering, Smith, Wedgbury.

Chief Executive, Deputy Chief Executive, Corporate Director (Law & Governance), Director of Development, Health, Parking and Community Safety Manager, Policy and Performance Manager, Head of Environmental and Customer Services, Head of Finance, Accountancy Manager, Head of Planning Policy and Economic Development, Principal Solicitor – Strategic Development, Policy and Performance Officer, Head of Housing, Grounds Maintenance Operations Manager, Environmental Contracts and Operations Manager, Team Leader Parking, Senior Communications Officer, Member Services Manager.

## 17 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a "Voluntary Announcement" as a resident of Imber, Cheesemans Green Lane which was relatively near a site mentioned in the Local Plan; made a "Voluntary Announcement" as a shareholder in the Farriers Arms, Mersham which was also relatively near such a site; and made a "Voluntary Announcement" as a Governor of the East Kent NHS Trust whose William Harvey Hospital was adjacent to a site referred to in the Plan.	23
Shorter	Made a "Voluntary Announcement" as a shareholder in the Farriers Arms, Mersham which was relatively near a site in the Local Plan and made a "Voluntary Announcement" as he was a tenant farmer of land adjacent to a parcel of land referred to in the Plan and advised that he would take no part in any discussion or voting on that land.	23

## **18 Minutes**

### **Resolved:**

**That the Minutes of the meeting of the Cabinet held on the 12<sup>th</sup> May 2016 be approved and confirmed as a correct record.**

## **19 Financial Outturn 2015/16**

The report presented the outturn revenue position for the General Fund and Housing Revenue Account. The actual outturn position for the General Fund was a small overspend of £27,000 and the Housing Revenue Account had resulted in a surplus of £2,143,000 against a budgeted deficit of £370,000. The reason for this variance was detailed in the report.

The Portfolio Holder said that he considered that the outturn of £27,000 over budget was a good position given that the overall budget was in the region of £15 million. He believed that the Officers had done an excellent job in managing the overall budget which was in line with the proposals set out within the Council's Corporate Plan. In terms of revenue, he explained that the collection rate for Council Tax had been 98.34% and for Business Rates this had been 99.49%. He explained that the reserves of £15.5 million were identified against expenditure in the future and he also outlined the Council's initiatives to increase revenue income to take account of the loss of Revenue Support Grant from the Government. This included net income received in respect of International House and the Wilko Store.

### **Resolved:**

- That**
- (i) the financial outturn for 2015/16 be noted.**
  - (ii) the transfers to and from earmarked and general reserves as outlined within paragraphs 22 – 25 of the report be approved.**
  - (iii) the carry forward of New Homes Bonus in year underspends be approved.**

## **20 Fixed Penalty Notice Enforcement for Littering and Dog Fouling**

The report provided information on the recommended utilisation of a private company, Kingdom, for a trial litter enforcement initiative for a period of one year. If the trial proved successful the Council would look to procuring a contracted service going forward.

In accordance with Procedure Rule 9 Mr Relf, a member of the public said that he had family members who were landowners and as such had to, at their own expense, clear up fly tipped rubbish. He said that with the Council having not issued a littering ticket for over three years he asked how many prosecutions had the Council brought against fly tippers in the last five years and was the Council aware that the Forestry Commission were fighting a losing battle trying to keep up with the prolific amount of fly tipping in the Borough which was costing money that could be

better spent in the forests. He also asked whether there was a reason why little effort was made to catch the perpetrators.

The Portfolio Holder explained that the Council had not issued littering tickets in the past three years as the Council did not have an enforcement policy to support that action until now. She said that Members would have seen that a litter enforcement policy was included within the report on the Agenda and explained that this was intrinsically linked to the provision of the service.

With reference to prosecutions for fly tipping, the Portfolio Holder said that with a new manager in post in the Environmental Service, revision of how fly tipping was being dealt with throughout the Council had begun in January this year. Currently there was one case with the Legal section for prosecution and two more cases being considered for prosecution. The reporting of fly tipping was required by DEFRA through data sent to them quarterly. At a presentation on the 6<sup>th</sup> June 2016, Ian Hill from DEFRA had accepted that fly tipping was potentially under-reported.

The Portfolio Holder explained that the Environmental Team was now working with the Fraud Investigation Team, the Housing Team, Kent County Council, the Forestry Commission and Kent Police on a joint project to ensure fly tipping was accurately reported, hotspots identified and a strategy and policy to deal effectively with those areas was identified. This would be reported to the Enforcement and Compliance Board and to the Cabinet later this year.

The Chairman emphasised that the Council was taking steps to improve its overall performance in terms of enforcement and he said that Mr Relf could rest assured that these steps would improve the position and help to generate pride in Ashford.

**Recommended:**

- That (i) the development of the enforcement initiative for the trial period of one year be approved.**
- (ii) the littering and dog fouling enforcement policy at Appendix 2 to the report be approved.**
- (iii) the Head of Environmental and Customer Services and the Portfolio Holder for Public Interaction and Borough Presentation be tasked to procure a Contract for the service long term.**

## **21 Anti-Social Behaviour and Enforcement**

The report proposed a change to the delegations relevant to the Anti-Social Behaviour, Crime and Policing Act 2014.

The Portfolio Holder said that he believed setting the Fixed Penalty Notice fine at the highest level would clearly signal the Council's position on enforcement and further delegating these powers to the Council's Heads of Service would make this process and future enforcement more effective across the Council's overall enforcement spectrum.

In accordance with Procedure Rule 9 Mr Relf, a member of the public said that the report stated that the Borough of Ashford had had the lowest reported anti-social

behaviour in the County for the last two years. He said that seeing as fly tipping was a crime and not showing on crime figures and with the Weald South Ward showing from May 2015 to April 2016 crime figures for the whole year of 164, 38 of them violence and sexual offences, it appeared that the Borough of Ashford had one of the highest unreported crime figures in the County.

The Chairman said that it was difficult to comment on unreported crime figures but said that it needed to be borne in mind that the legislation covering fines for Fixed Penalty Notices had only been introduced in 2014.

**Recommended:**

- That (i) **the revised delegations as relevant to the enforcement provisions contained within the Anti-Social Behaviour, Crime and Policing Act 2014 and as set out within paragraph 10 of the report be approved.**
- (ii) **a penalty of £100 for Fixed Penalty Notices that can be issued by authorised Officers of the Council as relevant to the Anti-Social Behaviour, Crime and Policing Act 2014, be agreed.**

## **22 Housing Enforcement Policies**

The report presented Housing Policies that contained enforcement actions and explained how they were consistent with the corporate approach agreed by the Policy and Compliance Task Group and the previous Cabinet meeting in May. The Policies were; Private Sector Housing Enforcement and Prosecution Policy; Anti-Social Behaviour Policy for Ashford Borough Housing Tenants, and Housing Income and Arrears Management Policy.

**Recommended:**

- That (i) **the Private Sector Housing Enforcement and Prosecution Policy; Anti-Social Behaviour Policy for Ashford Borough Housing Tenants and Housing Income and Arrears Management Policy be approved.**
- (ii) **it be noted that the Policies referred to in (i) above align with the Corporate Enforcement Policy.**

## **23 The Local Plan to 2030 – Regulation 19 Draft Plan for Publication**

The report presented the Publication version of the Local Plan to 2030, which set out the Council's proposed set of Planning Policies for new development over the next 14 years including new allocations of land for housing and other uses and policies to inform the Council in its development management functions. It was proposed to publish the Draft Plan for an eight week public consultation period following which the Council would need to consider the representations received and decide whether to make any amendments to the Plan prior to its formal submission to the Planning Inspectorate for public examination.

The Chairman said that he was sure that there would be huge public interest in the document but he emphasised that it was only a Draft Plan at this stage and was being approved for consultation which at eight weeks was longer than the statutory six week period. He explained that the Council would consider carefully all comments received during the consultation period and therefore emphasised that it was important for the community to consider the Draft and make their comments on the content at this stage. The Chairman also referred to the tabled paper which included a series of comments from Mr Davison, a member of the public regarding the section within the Plan which dealt with Hamstreet. He assured Mr Davison that the comments would be considered by the Planning Officers as part of the consultation process.

In accordance with Procedure Rule 9, Mr Herlihy a member of the public advised that he was speaking as a representative of the Village Alliance, a non politically aligned organisation of local residents which was seeking to preserve the rural setting of the village of Mersham. Mr Herlihy asked that the Borough Council use the new Local Plan to preserve the rural character and setting of Mersham village by providing a strategic gap in perpetuity by declaring that site WE15 (land east of Highfield Lane) was not suitable for any development in any circumstances. Mr Herlihy explained that WE15 was the large field between Mersham and the proposed large-scale development of site U19 around Sevington Church. He said that it had always been accepted that U19 was zoned for some form of development. However, WE15 was very different, it had never been zoned for development and the Village Alliance believed that it was extremely important that it was never designated for development in the future. They were pleased to note that the Draft Local Plan did not identify WE15 as a potential site for development, however, he considered that this was not nearly enough and the site had to be positively protected from development as part of a green corridor and the 'Mersham Wall', including land at Cheesemans Green. The site came right up to the heart of Mersham village and was next door to existing residential properties. He said that if any form of development was to be permitted on WE15, Mersham would cease to exist as a separate entity and would merely be a residential area tucked away at the back of the industrial estates of east Ashford. This would be a sad end for a vibrant and distinct community and attractive, rural village. Protecting this site for agricultural uses would reinforce a number of strategic statements already made by the Council including "Ashford 2030 – A Framework" which stated that "we are adamant that growth should support strong, viable local communities – we aspire to communities in Ashford Borough that we are all proud to be part of". Mr Herlihy said that all could be proud of Mersham and it deserved to be protected. Protecting this site also directly enforced Policy CS1 – Protection for the Countryside, Landscape and Villages from adverse impacts of growth and the promotion of strong rural communities. The Village Alliance was greatly heartened to hear a number of speakers at the recent Planning Committee meeting supporting the concept of a strategic gap in perpetuity for Mersham and he thanked those Members for their support. He said that they were particularly pleased to hear the Leader of the Council say words to the effect that "we will have to do something to protect Mersham from future development".

Mr Herlihy said that he believed that it was an opportunity for the Council to deliver its crucial strategic aim on behalf of the people of Mersham and that it could make it absolutely clear that the Council understood the valuable role that rural villages played in the life of the Borough. It could show that the Council were willing to protect villages like Mersham from being absorbed and destroyed as separate

entities by the continuing expansion of Ashford. In conclusion he said that the Village Alliance urged the Council to use the Local Plan to make a positive statement that development on any part of WE15 would not be acceptable and thus to provide Mersham with a strategic gap in perpetuity which it needed to protect its future existence.

The Chairman, in response, urged Mr Herlihy, his colleagues and the Parish Council to marshal and submit their comments and wishes during the eight week consultation period.

A Member advised that he had submitted detailed comments on three issues to the Director of Development which related to affordable housing provision; HGV operations and parking; and the establishment of a buffer zone between Highfield Lane and Blind Lane, Mersham which he believed would help to improve the quality of the air within this and the Sevington area and also in the vicinity of the William Harvey Hospital. The Member also said he had concerns that the highest proportion of new housing provision would be in the Kingsnorth and Sevington area but there was still a lack of accessibility via public transport to the Town Centre. He believed that there was a need to demonstrate how this particular issue would be dealt with.

Another Member said he wished to thank the Officers for all their work on the production of the Draft Plan and he said it was important that a robust Local Plan was put in place to protect the Borough from piecemeal development.

**Resolved:**

- That**
- (i) the content of the Regulation 19 Publication Draft Local Plan to 2030 be agreed.**
  - (ii) the Publication Draft Local Plan to 2030 be subject to eight weeks' public consultation.**
  - (iii) the Head of Planning Policy and Economic Development, in consultation with the Director of Development be authorised to make any necessary clarifications or minor textual changes to the Publication Draft Local Plan to 2030 prior to its publication.**
  - (iv) any delay to the above decisions becoming implementable would seriously prejudice the Council's and the public's interests for the reasons set out in the report, and therefore with the consent of the Chairman of the Overview and Scrutiny Committee these decisions are being made at this meeting as urgent decisions within Overview and Scrutiny Procedure Rule 15 (j).**

## **24 Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation**

The report set out the Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule proposed for consultation.

**Resolved:**

- That (i) the proposed Community Infrastructure Levy Preliminary Draft Charging Schedule attached to the report (subject to (ii) below) be approved for public consultation for an eight week period.**
- (ii) authority be delegated to the Head of Planning Policy and Economic Development to make any minor changes to the text and format of the document attached to the report as may be necessary prior to public consultation.**
- (iii) any delay to the above decisions becoming implementable would seriously prejudice the Council's and the public's interests for the reasons set out in paragraph 59 of the report, therefore with the consent of the Chairman of the Overview and Scrutiny Committee, these decisions are being made at the meeting as Urgent Decisions within Overview and Scrutiny Procedure Rule 15 (j).**

## **25 Parking Charges Review**

The report set out proposals to remove evening parking charges within Ashford Town Centre, an increase in on-street and off-street parking charges and the introduction of a new overnight flat rate of £1. The recommendations took into account current and anticipated economic developments for the Borough.

The Portfolio Holder advised that parking charges had not been increased for five years and hence the current review. In terms of the proposed removal of the evening parking charges in the High Street, Bank Street and North Street, he believed that this would be of great benefit to the Town Centre and the night time economy. He also explained that this would operate for an initial trial period of six months together with the introduction of a new flat rate £1 overnight charge. This would be monitored over the next six months prior to a decision being taken on whether to establish these on a permanent basis or not.

The Portfolio Holder for Town Centres Focus and Business Dynamics said that he believed that this was a responsive piece of work and an initiative both residents and visitors would welcome.

**Resolved:**

- That (i) the removal of parking charges in the High Street, Bank Street and North Street in Ashford Town Centre from 6pm to 10pm (only charging period) be agreed to support economic development and the night time economy. An initial trial period of six months will operate with delegated powers granted to the Head of Service in consultation with the Leader and Portfolio Holder for Highways, Wellbeing and Safety to agree permanent removal or not after the trial period.**
- (ii) an increase in on-street and Council run off-street parking charges, from 1st April 2017 be agreed, across the borough by approximately 10% on current tariffs (e.g. £1.00 to £1.10, £2.00 to**

**£2.20 etc.) and in accordance with the specific rates detailed within the report.**

- (iii) the introduction of a new flat rate £1.00 charge overnight in all available overnight Council car parks Monday to Saturday be approved. Data to be collected on type and number of users over the next 6 months. Delegated power be granted to the Head of Service in consultation with the Leader and Portfolio Holder for Highways, Wellbeing and Safety to implement on a permanent basis or not as appropriate.**
- (iv) a policy to review the parking charges every three years as part of the Council's regular fee and charging processes be agreed.**

## **26 Ashford Borough Council's Performance – Quarter 4 2015/16**

The report updated Members and the public on the performance of the Council during Quarter 4. This included information on what the Cabinet had achieved through its decision-making, key performance data and consideration of the wider Borough picture which impacted upon the Council's work.

The Portfolio Holder advised that Management Team had been working on the development of a new "dashboard" system to monitor performance. He explained that this system would be available to show trends and information presented in a graphical form. The new format would be rolled out for the next report in three months' time. In terms of the current report, the Portfolio Holder said that he was pleased to see the reduction in unemployment in the 18 to 24 year old age bracket and the fact that 150 homes had commenced construction. The number of persons in bed and breakfast accommodation was 14 and although this level was not considered satisfactory, the Portfolio Holder believed that the systems the Council had put in place and initiatives such as Christchurch House had ensured that the situation was managed in an efficient and cost effective way.

In terms of disabled adaptations the level undertaken had nearly doubled over the last quarter and in terms of food premises 97% were compliant.

**Resolved:**

**That the Council's performance against the Corporate Plan in Quarter 4 of 2015/16 be noted.**

## **27 Local Plan and Planning Policy Task Group – 25<sup>th</sup> April 2016**

**Resolved:**

**That the Notes of the meeting of the Local Plan and Planning Policy Task Group held on the 25<sup>th</sup> April 2016 be received and noted.**

## **28 Trading and Enterprise Board – 9<sup>th</sup> May 2016**

**Resolved:**

**That the Minutes of the meeting of the Trading and Enterprise Board held on the 9<sup>th</sup> May 2016 be approved and adopted with the exception of the recommendation in Minute No. 421.**

**Recommended:**

**That the recommendation in Minute No. 421 be approved.**

## **29 Joint Transportation Board – Nomination of Membership**

**Resolved:**

**That the following Members be appointed to the Joint Transportation Board:-**

**Councillors Bartlett (VCh), Bradford, Burgess, Chilton, Feacey, Mrs Martin, Mrs Webb**

## **30 Schedule of Key Decisions to be Taken**

The report set out the latest Schedule of Key Decisions to be taken by the Cabinet.

**Resolved:**

**That the latest Schedule of Key Decisions as set out within the report be received and noted.**

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(KRF/AEH)  
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