



# Agenda

Meeting: **Council**  
Date: **25 September 2019**  
Time: **7.00 pm**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **All Members of the Council**

**YOU ARE HEREBY SUMMONED** to attend a meeting of the Council on the date and at the time and place shown above. The meeting will be open to the press and public.

Anyone who wishes to have information on any matter arising on the Agenda which is not fully covered in these papers is requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Head of Paid Service

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the Council should declare any discloseable pecuniary

**Queries about the agenda? Need a different format?**

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Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
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interest or any other significant interests in any item/s on this agenda.

3. **Minutes (Pages 9 - 30)**

To receive the minutes of the meeting of the council held on 24 July 2019 and to authorise the Chairman of the Council to sign them as a correct record.

4. **Chairman's Communications**

5. **Petitions**

There are no petitions to be presented.

6. **Questions from the Public**

**The following questions have been submitted:**

1. **From Dr Burrell to Councillor Monk, Leader of the Council**

Will the Leader please explain how and why a £1.132m Call-Off contract could rightfully have been awarded to Faithfull & Gould (F&G) and why this was done without the recorded authorisation of the s151 officer or anyone more senior in the council than level K. F&G were appointed lead project management consultant for the Princes Parade development and commenced work 3 months prior to planning consent being granted on 18 July 2019. The Pagabo Framework Agreement, under which F&G were the single pre-nominated consultant, did not provide the opportunity for competitive tendering for either the contract nor the Framework. In all respects this was an irregular commitment from an already insufficient Capital budget that should not have occurred and I ask that this should be explained.

2. **From Mrs Lawes to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities**

Can the cabinet member explain how and what they are doing to actively reduce the deprivation in the district?

3. **From Mr Cooper to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

As a council tax payer in St Mary's Bay I have noticed that the council is clearly not fulfilling its statutory duties towards the environment. Could you please inform me when I and other residents of the Bay can expect to receive a real, meaningful and proper street sweeping service from you and your council in order to ensure, in accordance with the associated codes of practice and the advertised schedules on the councils website, that the pavements, gutters and alleyways are cleared and swept of all rubbish, leaf matter and other accumulated detritus including weeds, or is the

council expecting its tax payers to issue Litter Abatement Orders through the Magistrates Court before it will act.

**4. From Mr Deane to Councillor Monk, Leader of the Council**

In the light of growing concerns over environmental quality, will the council commit to an air quality monitoring exercise along the Dymchurch Road from the Dymchurch side of the new Aldi store to the traffic lights at the junction of the light railway station? This to be recorded at different periods throughout the day, week and year.

**5. From Mr Rylands to Councillor Wimble, Cabinet Member for the District Economy**

What is the total expenditure by our Council for the delivery of the Mountfield Rd Phase IV project New Romney, up to the 26th Sept 2019.

**6. From Mr Goode to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities**

Is the council practising social exclusion in its service delivery by abandoning and neglecting the maintenance or replacement of play equipment; and closing children's playgrounds often unexpectedly and without, or at short, notice by only allocating the total sum of £15,000 in this years budget to cover the maintenance and replacement of play equipment for the whole of the district?

**7. From Ms Glen to Councillor Monk, Leader of the Council**

Talk of Compulsory Purchase of the Leas Pavilion has been ongoing for months now, but is this appropriate given that the owners have been attempting to comply with the works requested in the Repairs Notice dated February 2019? May we therefore now have a clear statement as to what actually is the Council's position with regards to the future of the Leas Pavilion?

**7. Questions from Councillors**

(Questions can be found on [www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk) from noon 2 days before the meeting, on Modern.gov, under the agenda for this meeting).

Up to 45 minutes is allowed for questions from councillors.

**8. Announcements of the Leader of the Council**

To receive a report from the Leader of the Council on the business of the cabinet and on matters that the leader considers should be drawn to the council's attention. The leader shall have 10 minutes to make his announcements.

The opposition group will have an opportunity to reply to the leader's remarks. The opposition group leader shall have 5 minutes to respond after which the Leader of the Council will have a right of reply. Any right of reply will be for a maximum duration of 5 minutes.

9. **Opposition Business**

The Green Party has raised the following matter:

Full Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to request that cabinet adopts the following matters:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies

The Councils for Fair Tax Declaration can be found here <https://fairtaxmark.net/wp-content/uploads/2019/07/Councils-for-Fair-Tax-Declaration.pdf>

Debates on opposition business shall be limited to 15 minutes. If the time limit is reached or the debate concludes earlier, the leader of the group raising the item shall have a right of reply.

The Council shall:

- a) Note the issue raised and take no further action;
- b) Refer the issue to the cabinet or relevant overview and scrutiny committee, as the case may be for their observations before deciding whether to make a decision on the issue;
- c) Agree to examine the matter as part of a future scrutiny programme;
- d) Adopt the issue raised by opposition business provided that the decision so made is within the policy framework and budget.

## 10. **Motions on Notice**

The following motions have been placed on the agenda in the order received; up to 60 minutes shall be allowed for debates on motions on notice:

1. Councillor McConville, Leader of the Labour Party:

This Council moves to, under part 4 section 25.2 amend the

constitution in regards to part 4 section 12.6. "Time-limit debates on opposition business shall be limited to 15 minutes". This should be amended to read 30 minutes.

*As per the constitution, this item was proposed and seconded at the meeting held o 24 July 2019, and is now open for debate.*

2. Councillor Prater, Leader of the Liberal Democrat Party:

"This Council believes that a Committee system is appropriate for its Governance in the future and asks the Audit and Governance Committee to consider the issue at the earliest opportunity.

"If the Audit and Governance Committee endorses this view when it reports to Council it should suggest an outline committee structure."

3. Councillor McConville, Leader of the Labour Party:

"This Council moves to, under part 5 section 27.2 amend the constitution in regard to part 5 section 6.2. A councillor, who has proposed a motion which has been referred to a committee or sub-committee, shall be given at least three clear working days' notice of the meeting, at which the motion will be considered, by the Head of Paid Service. If the councillor attends the meeting but is not a member of that committee or sub-committee, s/he shall have an opportunity to explain the motion to the committee or sub-committee.

This should be amended to read "A councillor, who has proposed a motion or Opposition Business". As per the constitution it is resolved that this motion stand adjourned, without discussion until the next ordinary meeting of the Council".

4. Councillor McConville, Leader of the Labour Party:

"This Council condemns the purchase of Westenhanger Castle without the specific prior agreement of this Council."

11. **Report to Council on a Key Decision made in accordance with the constitution's call-in and urgency rule (Pages 31 - 34)**

The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.

## FOLKESTONE AND HYTHE DISTRICT COUNCIL

### **Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 24 July 2019**

**Present:** Councillors Mrs Ann Berry (Chairman), Danny Brook, Miss Susan Carey, John Collier, Laura Davison, Michelle Dorrell, Ray Field, Gary Fuller, Peter Gane, Clive Goddard, David Godfrey, Anthony Hills, Mrs Jennifer Hollingsbee, Nicola Keen, Jim Martin, Philip Martin (Vice-Chair), Connor McConville, Jackie Meade, Ian Meyers, David Monk, Terence Mullard, Stuart Peall, Tim Prater, Patricia Rolfe, Rebecca Shoob, Georgina Treloar, Douglas Wade, Lesley Whybrow, David Wimble and John Wing

Apologies for Absence: None.

#### 25. **Declarations of Interest**

Councillor Whybrow made a voluntary declaration in respect of questions from Councillors (question number 1), in that she was a volunteer for the Citizens Advice Bureaux.

#### 26. **Minutes**

The minutes of the meeting held on 26 June 2019 were submitted, approved and signed by the Chairman.

#### 27. **Chairman's Communications**

The Chairman advised on the following:

“During the last 6 weeks we have lost another two members of the District. Although not members of this District Council they were members of Town Councils within the District. As we know Town and Parish councillors are all volunteers who put themselves forward to serve their towns and parishes. Two of those past councillors that we have lost recently are: Reg Belcourt and John Heasman.

Reg Belcourt past member of Hythe Town Council who died after a tragic accident whilst on holiday, As well as serving on the Hythe Town Council he was a member of Hythe Rotary and was a prime mover in getting the Christmas Lights in Hythe. Reg and his wife Keren did an amazing amount of fund raising with their quiz nights and popular Curry lunches they also fostered around 80 children.

John Heasman past Mayor of Hawkinge who served as a Councillor for 43 years. His input into the community of Hawkinge was phenomenal, He was one of the prime movers for the new Community Centre and in recent days he was awarded the freedom of the Town of Hawkinge. He served them well.

Let us take a moment to remember them

## Council - 24 July 2019

Since the last council meeting on the 26<sup>th</sup> June the Vice-Chairman and myself have attended the following functions;

On 27<sup>th</sup> June I was invited by Folkestone Creative to attend the opening of the Gas works exhibition at the Folkestone town hall.

Sunday 30<sup>th</sup> June was Armed Forces day held on the leas. This year it was an all day event which brought in thousands of visitors. The Princess of Wales Royal Regiment Band started the opening by marching from the Arch along the leas to the bandstand. There were many charity stalls and events put on for every ones enjoyment, highlight at the end of the afternoon was the Red Arrows who put on the most breath taking spectacular display.

Monday July 1<sup>st</sup> Canada day. We all gathered at the Shorncliffe Canadian Graves for the annual memorial service. Children from most of the primary schools in the area were in attendance and laid flowers on the graves there. This is something that has been done since 1920. Next year will be another important year for this commemoration.

From Thursday 4<sup>th</sup> July the Deputy Mayor fulfilled many of my duties. He has advised me of the following:

“During the Chairman’s absence I have been privileged to represent her on the Council’s behalf at a number of events.

On 4<sup>th</sup> July I attended the Ramsgate Annual Civic Service, where the Town Mayor presented a number of awards to many individuals who had made huge contributions to the town in various ways making significant improvements to many lives.

On 5<sup>th</sup> July I accepted an invitation to the Official Opening of the new Canelian Bar in Hythe in the company of a number of local councillors and business owners and it was very encouraging watching more new business developing in our district.

The 1st Battalion The Royal Gurkha Rifles celebrated their 25th Birthday Party at Shorncliffe Barracks on 9<sup>th</sup> July where I was privileged to meet a number of our very brave servicemen and witnessed HRH The Prince of Wales awarding them their well deserved medals. It was an even greater honour to meet HRH in person and during our informal chat he expressed great interest in the exciting developments and progress in our district.

Later that day, accompanied by my consort, I visited The Oast Theatre in Rainham as part of the local Mayors fundraising events. A local drama group gave a brilliant performance of the popular 1980’s TV comedy series “Are you being served”.

On 13<sup>th</sup> July I was invited to the 30th Birthday Party of Hanover House where I managed to speak with almost all of the residents of this very well run block of

assisted living apartments for retired gentlefolk. Everyone I spoke with seemed very happy there and it was rewarding to see such an example “caring for the elderly”. We exchanged a few stories (and, no I won’t go into detail) and left with them displaying a lot of smiling faces.

On 14th July I attended Margate’s Annual Civic Service at St John’s Baptist Church where I met with the Mayor and several other dignitaries”.

Thank you”.

28. **Petitions**

There were no petitions to be presented.

29. **Questions from the Public**

The questions asked, including supplementary questions (if any), and the answers given are set out in Schedule 1, appended to these minutes.

30. **Questions from Councillors**

The questions asked, including supplementary questions (if any), and the answers given are set out in Schedule 2, appended to these minutes.

31. **Announcements of the Leader of the Council**

The Leader made the following announcements:

“Good evening to you all.

I will start by saying that Cllr Peter Gane has brought to my attention a miscommunication from the Dartford Gravesham and Swanley clinical commissioning group. They have sent a letter to our residents who use the White House Surgery in Folkestone regarding the merger of the Forge Surgery Gateway Medical Practice and the Whitehorse Surgery into one GP practice called Springhead Health in Northfleet. You can see how the error came to be made as the White Horse is synonymous with Folkestone. So if you are approached by anybody worried that they might have to go to Northfleet to see a doctor, you will be able to reassure them that it is not the case. Peter has been in touch with the Whitehorse Surgery and they have said that they will send out an apology.

Talking to members of our group about Overview and Scrutiny, it became obvious that members felt that they did not have enough information on, what I shall call, legacy projects, that is, projects that were started before this administrative year. So I have asked officers that when a legacy project is brought before the committee, any relevant previous reports or decisions are also tabled so that the context of the current report is more easily understood.

Last Friday it was my great pleasure to attend the opening of the wheelchair swing facility in Radnor Park. It was wonderful to see the enjoyment of the two young ladies who tried it out. The swing is available for use by any wheelchair user that has a Radar key, and they and their chair together weighs less than 250kgs, that is 39 stone in old money, the chairs do need to be anchored down and the straps to do this are kept in the Radnor Park Tea Room. The funding for this swing mainly came from Councillors Dick Pascoe and Ann Berry. Tomorrow will see the start of the Outdoor Gym installation that will feature both Callisthenic and Cardio Stimulation equipment and additional funding was allocated by Councillors Rory Love and Carol Sacre. Once the gym is installed it will make Radnor Park one of the best equipped leisure areas in Kent and I for one will be using it”.

The Leader of the Green Group responded and stated that it was exciting news to hear about the wheelchair swings in Radnor Park. She added that she was grateful for the Leaders request for previous reports to be tabled with regard to legacy projects.

The Leader of the Labour group responded and stated that he also welcomed the wheelchair swings, and it was great to see ward grants being used in this way. He raised concerns that other children in our district were not so lucky, and some playgrounds were in a state of disrepair.

Councillor Prater, the Leader of the Liberal Democrat Group responded and thanked the Leader for improving the context of reports for Overview and Scrutiny Committee and added that this would also be helpful for the public. He stated that he was delighted about the new swings in Radnor Park, and hoped that the council would look to roll this out to other parks in the district.

The Leader in response stated that he understood the point about other parks, but it was important that this did not take away from the Radnor Park project. He added that the Play Strategy would be coming forward to Committees in the autumn, and would address some of these issues.

Proposed by Councillor Monk,  
Seconded by Councillor Mrs Hollingsbee; and

**RESOLVED:**

That the announcements of the Leader be noted.

**32. Opposition Business**

Councillor McConville, on behalf of the Labour Group outlined the Opposition business, which asked the Council to recommend to the Personnel Committee that a minimum of £10 per hour or £19,300 per annum be awarded to all permanent and temporary staff. Also that a fixed pay ratio be incorporated into the next pay policy statement.

Proposed by Councillor McConville,  
Seconded by Councillor Davison;

That Option (d) (That the Council adopt the issue raised by Opposition business provided that the decision, so made, is within the Policy Framework and Budget and is within the power of the Council to make the decision) be agreed.

Proposed by Councillor Gane,  
Seconded by Councillor Monk; and

**RESOLVED:**

That the wording of the motion be amended to read "That the Council ask the Personnel Committee to consider that a minimum of £10 per hour or £19,300 per annum be awarded to all permanent and temporary staff. Also that a fixed pay ratio be incorporated into the next pay policy statement".

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

FOR: Councillors Mrs Berry, Brook, Miss Carey, Collier, Field, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe, Shoob and Wimble (18).

AGAINST: Councillors Davison, Dorrell, Fuller, J Martin, McConville, Meade, Prater, Treloar, Wade, Whybrow and Wing (11)

ABSTENTIONS: Councillor Keen (1).

(Voting figures: 18 for, 11 against, 1 abstention).

**RESOLVED:**

That Option (d) (That the Council adopt the issue raised by Opposition business provided that the decision, so made, is within the Policy Framework and Budget and is within the power of the Council to make the decision) be agreed.

(Voting figures: 30 for, 0 against, 0 abstentions).

**33. Motions on Notice**

**1. From Councillor McConville, Leader of the Labour Party**

Councillor McConville set out his motion which proposed an amendment to the constitution.

Proposed by Councillor McConville,  
Seconded by Councillor Monk;

That this Council moves to, under part 4 section 25.2 amend the constitution in regards to part 4 section 12.6. "Time-limit debates on opposition business shall be limited to 15 minutes". This should be amended to read 30 minutes.

**As per rule 25.2 of the constitution it is resolved that this motion stand adjourned, without discussion until the next ordinary meeting of the Council.**

2. **From Councillor Treloar, Green Party**

Councillor Treloar set out her motion relating to climate change which was set out in the agenda.

Proposed by Councillor Treloar,  
Seconded by Councillor McConville;

**That Full council:**

1. Declares that we are in a state of climate and ecological emergency.
2. Commit to reduce Folkestone and Hythe District Council's estate and operations to zero net carbon by 2030.
3. Ensure that all strategic decisions, policy, budgets, investments, contracts, approaches to planning decisions and the council's own developments are in line with a shift to zero carbon by 2030.
4. Ensure that all future council reports, where appropriate, include a climate impact statement.
5. To develop a strategy for Folkestone and Hythe District Council to play a leadership role in promoting community, public and business partnerships for this Carbon Neutral 2030 Commitment throughout the District.
6. To achieve this, create a Carbon Action Plan based on practical frameworks and advice such as provided by the Carbon Trust.
7. Establish a cross-party working group of full council to draw up, steer and monitor progress of the Carbon Action Plan, reporting back to full council in 6 months, then annually.
8. Call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.
9. Request that Cabinet shows leadership and adopts the matters raised in 1 – as above.

Proposed by Councillor Hills,  
Seconded by Councillor Wimble;

**RESOLVED:**

That the first point of the motion be amended to read:

“That Full Council recognises that we are in a climate emergency, and that the issue be referred to Overview and Scrutiny Committee to get the best way forward, and price it”.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

FOR: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

AGAINST: Councillors Davison, Dorrell, Field, Fuller, Keen, J Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14)

ABSTENTIONS: None (0).

(Voting figures: 16 for, 14 against, 0 abstentions).

**RESOLVED:**

**That Full council:**

1. Recognises that we are in a climate emergency, and that the issue be referred to Overview and Scrutiny Committee to get the best way forward, and price it.
2. Commit to reduce Folkestone and Hythe District Council's estate and operations to zero net carbon by 2030.
3. Ensure that all strategic decisions, policy, budgets, investments, contracts, approaches to planning decisions and the council's own developments are in line with a shift to zero carbon by 2030.
4. Ensure that all future council reports, where appropriate, include a climate impact statement.
5. To develop a strategy for Folkestone and Hythe District Council to play a leadership role in promoting community, public and business partnerships for this Carbon Neutral 2030 Commitment throughout the District.
6. To achieve this, create a Carbon Action Plan based on practical frameworks and advice such as provided by the Carbon Trust.
7. Establish a cross-party working group of full council to draw up, steer and monitor progress of the Carbon Action Plan, reporting back to full council in 6 months, then annually.
8. Call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.
9. Request that Cabinet shows leadership and adopts the matters raised in 1 – as above.

(Voting figures: 30 for, 0 against, 0 abstentions).

**3. From Councillor McConville, Leader of the Labour Party**

Councillor McConville outlined his motion which called upon the Council to implement a parental leave policy.

Proposed by Councillor McConville,  
Seconded by Councillor Peall; and

**RESOLVED:**

To refer this parental leave policy to the IRP for consideration in their next review.

(Voting figures: 30 for, 0 against, 0 abstentions).

**34. Members' Allowances - Independent Remuneration Panel (IRP)**

The report recommended that the Council commence the process of recruiting members to the Independent Remuneration Panel and to establish that panel also as the Parish Remuneration Panel.

Proposed by Councillor Monk,  
Seconded by Councillor Hollingsbee; and

**RESOLVED:**

- 1. That report A/19/10 be received and noted.**
- 2. That the existing members of the Independent Remuneration Panel for be thanked for their work since their appointment;**
- 3. That four members be appointed to the Council's Independent Remuneration Panel under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 with a four year term of office from the 1 December 2019;**
- 4. That a Parish Remuneration Panel be established under the regulations, the members of which shall be identical to the members of the Independent Remuneration Panel;**
- 5. That the Head of Paid Service be authorised to draw up role descriptions for the members of the Independent Remuneration Panel;**
- 6. That an advert for candidates be placed in the press and electronically;**
- 7. That a selection panel be formed comprising the Chairman of the Council, the Leader of the Council, the Leader of the Labour Group, the Leader of the Green Group and a further panel member appointed by the Head of Paid Service.**

(Voting figures: 30 for, 0 against, 0 abstentions).

**Council – 24 July 2019**

**Public questions:**

**1. From Mr Rylands to Councillor Godfrey, Cabinet Member for Housing, Transport and special projects**

How much has P & R Installation Company Ltd overcharged Folkestone & Hythe District Council during the lifetime of the contract?

**ANSWER:**

The information requested forms part of an ongoing detailed legal investigation by the Council into potential overcharging under the gas servicing and maintenance contract that end earlier this month. For this reason, the Council is unable to respond to this question.

**SUPPLEMENTARY QUESTION:**

In the scheme of things, on the scale of overcharging, with Dover being the most and Thanet the least, where was FHDC on this scale?

**ANSWER:**

I think my first answer already covers this.

**2. From Mr Deane to Councillor Monk, Leader of the Council**

Do you believe it is right that this council should be wasting it's time and council tax payers money on a loss making council owned property development company, Oportunitas, when the real need is for a far greater number of council homes for people of this district than currently are being built or planned?

**ANSWER:**

Oportunitas is a housing and regeneration company set up by the Council in 2014 with the initial aim of providing housing in the private market rental sector to secure a financial benefit to General Fund that in turn supports the Council's statutory services.

The year on year reduction of the revenue support grant provided by central government has forced the Council to look at alternative commercial income streams that will provide financial returns to sustain essential services for residents.

The Company since inception has invested £4.2 million in developing its property portfolio consisting of 37 residential units and 1 commercial unit to date, which is now valued at a total of £4.5 million. In 2018/19, the Company produced a return of about £250,000 to the Council.

A further £6.9 million of investment was secured by the Company in February 2018, which will ensure the long term sustainability of the Company and will boost financial returns to the Council.

The Council understands the need to provide a range of different types of housing, and has made a commitment through the latest HRA business plan, approved in March 2019, to invest £29.5million to deliver 300 new council homes by 2025/26. Progress to date has so far seen a third of this target delivered. It should be noted that General Fund resources, which includes the income provided to the shareholder by Oportunitas cannot be used to fund new Council homes under the HRA.

**SUPPLEMENTARY QUESTION:**

Given that the council is concerned with making up budget shortfalls, is it right that Oportunitas Board Members should be drawing allowances, in addition to what they receive as Councillors?

**ANSWER:**

The Special Responsibility Allowance is reflected in the way which Oportunitas Board Members are paid.

**Full Council – 24 July 2019**

**Councillor questions:**

**1. From Councillor Whybrow to Councillor Monk, Leader of the Council**

Will the council sign up to the Citizen Advice/LGA Council Tax Protocol ie the Collection of Council Tax Arrears Good Practice Protocol.

**ANSWER:**

The Council does not currently sign up to the protocol. The Council does adhere to much of the content within our own procedures and arrangements included in this documentation.

The protocol has been discussed with the other Kent authorities and it has previously been viewed that much of this was already done.

Some of these elements are more difficult to commit to and therefore it would not be possible to sign up to the agreement and fulfil the agreement. For example, to review all cases to be referred to enforcement agents on an individual basis. Based on volumes and manual workload involved, this would be unrealistic.

Currently Swale Borough Council, Gravesham Borough Council, Tonbridge & Malling Borough Council, Ashford Borough Council, Dover District Council, Thanet District Council and Canterbury City Council have confirmed that they have not signed up to the current protocol and have no immediate intentions to do so.

It should be noted that the Council continues to strive to improve communication in appropriate formats and liaise with vulnerable customers in a variety of ways to ensure that collection is maximised while also supporting those that need help the most. To support this work the Council hold quarterly meetings with local agencies such as Citizen's Advice on keeping everyone up to date with developments and discussing ways to work to improve services and assist residents.

Many elements are currently common practice at the Council, such as training on vulnerability which is currently ongoing within the Revenues and Benefits department. Other actions such as offering multiple payment dates options, the ability to pay over 12 months and information regularly being reviewed on the website to offer advice on Council Tax discounts, exemptions and arrangements including Council designed forms for repayment offers. Appointments, telephone calls and visits can also be arranged to assist customers and share this information. The Council will also complete income and expenditure with customers to work out a manageable payment plan and offer further support, if applicable, under the Council's Exceptional Hardship Policy or section 13A of Council Tax legislation.

I would like to reiterate that the Council is also currently working with the Money Advice Trust to further improve the service and options available to Tax payers.

**SUPPLEMENTARY QUESTION:**

How many complaints have been made against Bailiffs?

**ANSWER:**

I will find out for you and respond in writing.

**2. From Councillor Treloar to Councillor Monk, Leader of the Council**

The current Kent Environment Strategy, which informs our climate change and flood risk strategy in our Places and Policies Local Plan, states that at 4°C warming and above, “sea levels rise threaten coastal towns”. On the 9th of May this year, the Environment Agency began consultation on a new long-term strategy to tackle flooding and coastal change in which they’re planning for a 4°C rise in global temperatures. In launching the consultation, Environment Agency Chair, Emma Boyd said, “We can’t win a war against water by building away climate change with infinitely high flood defences. We need to develop consistent standards for flood and coastal resilience in England that help communities better understand their risk and give them more control about how to adapt and respond.” As Leader, do you believe our community understands their risk and is our council equipped to adapt and respond to the stark and serious challenges our community faces from sea level rises throughout the rest of the century and beyond?

**ANSWER:**

Regarding our plans for the future, national planning policy requires us to look at the effects of climate change in planning new developments. We have completed a Strategic Flood Risk Assessment (2015) that models potential flooding events under a number of different scenarios and time periods, taking account of the effects of climate change. We have used flood projections to the year 2115 to plan developments, and have chosen development sites that avoid areas at the highest risk of flooding under this scenario. The Places and Policies Local Plan and Core Strategy Review can still meet the government’s housing requirements without allocating sites that would be at the highest risk of flooding, particularly by planning for development at a strategic scale with the Otterpool Park garden settlement.

FHDC is a key member of the EKEP (East Kent Engineering Partnership) and the wider SECG (South East Coastal Group) who are the Regional Coastal Group for South East England who bring together local authorities, the Environment Agency and other maritime operating organisations to achieve co-ordinated strategic management of the shoreline between the Thames Barrier and Selsey Bill. As part of these groups a Shoreline Management Plan (SMP) has been adopted that provides a large-scale assessment of the risks associated with coastal evolution and presents a policy framework to address these risks to people and the developed, historic and natural environment in a

sustainable manner. Addressing this SMP beach management plans have been created that outline the actions and priorities needed at each coastal area.

FHDC has a considerably high proportion of housing and business in “at risk” areas. It works closely with the Environment Agency, the Internal Drainage Board and KCC as the lead local flood authority to mitigate these risks both coastally and from fluvial flooding. Due to ongoing monitoring and projects FHDC has revenue and capital funding in place to actively manage the medium term risk as per the SMP’s.

FHDC has actively been engaging with the EA to train flood wardens and spread the message about flooding risks within the key sites in the district. Its program and participation with the community and supporting the EA in this field is actively being shown as an example of how much can be done to support those most at risk.

Projects currently ongoing in the district include;

- Lydd Range defences (EA Led)
- Hythe Range defences (EA led)
- Great stone Dunes (FHDC led)
- Folkestone-Hythe Beach Management (FHDC led)
- Folkestone to Hythe Beach recharge (2021 FHDC led)
- Coronation Parade Ph1 (complete) (FHDC Lead)
- Coronation Parade Ph2 – Cliff Stabilisation (FHDC Lead)
- Coronation Parade Ph3 – Rock Revetment (FHDC Lead)

#### **SUPPLEMENTARY QUESTION:**

How are we meant to make sound planning decisions and communicate the risks with residents, when we are using plans and strategies which have been deemed unfit for purpose by the governments own advisory body?

#### **ANSWER:**

We believe, at present, our policies are correct. If we are advised by the Government to change them, then we will.

#### **3. From Councillor Fuller to Councillor Wimble, Cabinet Member for the District Economy**

Does the council intend to carry out Health Impact Assessments, as per Policy HW2 of the Places and Policies Local Plan Submission Draft at [https://folkestone-hythe.gov.uk/media/4793/Places-and-Policies-Local-Plan-Submission-Draft--February-2018/pdf/Places\\_and\\_Policies\\_Local\\_Plan\\_Submission\\_Draft.pdf](https://folkestone-hythe.gov.uk/media/4793/Places-and-Policies-Local-Plan-Submission-Draft--February-2018/pdf/Places_and_Policies_Local_Plan_Submission_Draft.pdf) on Pg. 384, on the Princes Parade, Folkestone Seafront and Otterpool Park developments?

#### **ANSWER:**

Policy HW2 of the Places and Policies Local Plan requires that promoters of large developments assess the likely impacts of their proposals on healthy living

and the demands that their proposals may place on health services and facilities. This is to be demonstrated through a Health Impact Assessment submitted with the planning application.

The Places and Policies Local Plan is currently being considered by an independent planning Inspector appointed by government to examine the plan. If the Inspector supports the plan, including Policy HW2, the plan will be taken back to Cabinet and Council for formal adoption. Following adoption, there is a six-week period during which a legal challenge can be made against the plan. If the plan is successfully adopted it can then be used to decide planning applications for development in the district.

The Council cannot apply Local Plan policies retrospectively to planning decisions that have already been made, such as Princes Parade; although the application for that development did include a Health Impact Assessment as part of the Design and Access Statement.

Regarding Otterpool Park, the applicants have submitted a Health Impact Assessment as part of the outline planning application that is currently being considered by the local planning authority. The information in this assessment will be one of many considerations that will be taken into account by the authority in making a decision on the application.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**4. From Councillor Fuller to Councillor Godfrey, Cabinet Member for Housing, Transport and special projects**

Is there a handover process for new/moving EKH tenants at which they are given information on when the last Gas/Electrical safety inspections were carried out?

**ANSWER:**

A Landlords Gas Safety Report and Electrical Installation Report is automatically completed by the Councils contractors on every void property, in line with our statutory responsibility. If a copy of these documents is available at the point of sign up they are provided, alternatively in some cases they will be posted to residents.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**5. From Councillor Fuller to Councillor Godfrey, Cabinet Member for Housing, Transport and special projects**

Are all EKH requests by tenants, by phone or email, for electrical/plumbing and other works associated with an EKH property assigned a unique reference number, and are tenants given that reference number when they first make contact?

**ANSWER:**

Each request to EKH is logged under the Unique Property Reference Number and its address. The EKH system allows for properties to be identified by their UPRNs but also by address, resident and other ways, so that if a resident calls EKH to ask for the progress of a repair they don't have to remember their UPRN. However I agree that it would be useful to have unique request indicator and will propose this to EKH.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**6. From Councillor Fuller to Councillor Meyers, Cabinet Member for Digital Transformation**

The Equality Act 2010 requires that reasonable adjustments be made to allow individuals with a disability to access services provided by the public sector. Currently many of the documents in the Planning Portal appear to be image based pdf files, even where they are predominantly text. Will the council commit to uploading documents in a format that can be read by a screen reader or by software like Adobe Acrobat Reader?

**ANSWER:**

This is an issue that the Planning Department is actively seeking to resolve as part of the transformation project. At present we are limited by the internal systems we use and it is not currently possible to change the format of documents. Going forward however this will be resolved and improved, with PDFs being uploaded to the portal in a native format. Members of the public will then be able to download the PDFs and search the content and use within a PDF viewer.

**SUPPLEMENTARY QUESTION:**

What is the timeframe for this?

**ANSWER:**

I do not have that information to hand. I will provide the answer to you in writing.

**7. From Councillor Dorrell to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

I've recently visited one of my residents, who contacted me as the Assisted Recycling system that he's been using for years has abruptly ended.

He's an 80yr old gentleman who due to disabilities is unable to carry an ordinary Black Recycling Box, and had been using the Blue and Red Bags, as an alternative.

When was the decision made to cut Assisted Recycling, and what will you be implementing in order to replace the scheme?

**ANSWER:**

No decision has been taken to cut or end the Assisted Collection scheme. In fact the number of residents benefiting from being on the scheme increased last year.

I do not know about gentleman's circumstances and if following the meeting you are willing to provide his contact details I would be happy to look into it further.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**8. From Councillor Keen to Councillor Wimble, Cabinet Member for the District Economy**

What are the long-term plans for the Wear Bay Road Bowls Club and Tennis courts? The facilities are run down and in desperate need of financial investment.

**ANSWER:**

The Council is considering a number of regeneration options across the town and at East Cliff. We are working with other stakeholders and community groups to establish how to meet the needs of our residents and provide excellent leisure facilities. At present there are no fixed or long-term plans but as these emerge they will be shared with Councillors and the public.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**9. From Councillor Meade to Councillor Monk, Leader of the Council**

Clean and attractive communities have a positive effect on residents living there. Many of us are thankful for the Town Sprucer scheme which tackles graffiti, clears paths and generally keeps areas of the town cleaner and more attractive. Does this Council support the Town Sprucer Scheme?

**ANSWER:**

We do not support the Town Sprucer Scheme directly but as with all volunteer groups we arrange to pick up the rubbish that they collect. The Council runs the very successful Area Officer Team that works across the District cleaning graffiti, organising community and corporate responsibility events, taking down fly-posters and out dated notices and investigating and clearing fly-tipping. Since October last year the Area Officers have tackled over 8000 jobs before they became complaints and organised over 65 community litter picking events demonstrating the Council's commitment to our Corporate Objective of Appearance Matters.

**SUPPLEMENTARY QUESTION:**

Are Veolia not responsible for carrying out this work?

**ANSWER:**

Veolia do have a cleaning regime, but we still have to deal with graffiti etc.

**10. From Councillor Davison to Councillor Wimble, Cabinet Member for the District Economy**

Why the minutes of meetings of the council's Accelerated Delivery Board chaired by our MP Damian Collins have not been published as he undertook to do at the last full meeting of the council in June?

**ANSWER:**

The Folkestone & Hythe Accelerated Delivery Board has met two times to date. This is not a formal decision-making board but rather a group of representatives from organisations that have some role in taking forward key schemes across the district and who have agreed to work together to help accelerate delivery. Formal minutes are not taken from these meetings, but the brief meeting notes will be published on the Folkestone.works website within the next two weeks.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**11. From Councillor McConville to Councillor Monk, Leader of the Council**

Do you think that affordable housing should be able to be traded like a commodity across the district by developers just so that they can make as much money as possible?

**ANSWER:**

No of course not. The Council is working to improve the stock of affordable homes across the District it is committed to take opportunities where it can directly to increase the number of affordable homes in the District. This includes direct intervention. Last year the Council constructed 35 new Council houses in Sandgate and a further 6 1 x bed Council flats in Cheriton. Last week Cabinet approved plans for 23 further Council houses at Biggins Wood Folkestone and we have just submitted a planning application for another 33 new Council homes at Park Farm, Folkestone.

You should be aware that in addition to the Council's own programme of building Council homes its planning policy requires developers to build a percentage of affordable homes as part of large site developments. This is a common approach to provide new affordable homes and in many circumstances it works quite well. However, in areas where house prices are particularly high, the formulae that values "affordability" means that costs are still relatively high and often beyond the means of people that the policy is trying to help. I can confirm that the Council is open to ideas that will help reduce this difficulty by allowing homes to be developed off site where their values are more appropriate to meet need. This should also enable a larger number of homes to be provided in absolute terms. This is driven by the desire to make new affordable homes available to people where they need them and at a cost they can afford. This is not driven by developer needs. At this time no decisions have been made on this approach.

### **SUPPLEMENTARY QUESTION:**

If you are able to, can you confirm where developers may look to offset houses elsewhere, would you say that they wouldn't be lumped together to create an affordable community?

### **ANSWER:**

I would never say never, but we wouldn't normally look to do this.

### **12. From Councillor Dorrell to Councillor Godfrey, Cabinet Member for Housing, Transport and Special Projects**

What measures exist to ensure families in Private rental accommodation can access support, similar to that of people in social housing, to ensure they are not being made homeless due to no fault of their own?

### **ANSWER:**

The council has in place a Housing Options Team who are extremely efficient and experienced, and deliver what are called Homeless Prevention and Relief Plans which are co-coordinated statutory plans seeking to prevent homelessness from occurring or relieving a homeless situation where prevention of homelessness is not possible.

Along sides this we are recruiting to a post of Prevention Plus Officer, the Prevention Plus Officer is focused upon assisting the most vulnerable persons who are either in existing accommodation or are housed by the council.

The Council also operates a Discretionary Housing Payment Policy which is funded by the Department for Work and Pensions. Discretionary Housing Payments (DHPs) are an emergency fund to be used to alleviate hardship to allow residents time to find alternative solutions to their shortfall in income. Whilst the majority of DHP awards will provide short term support, welfare reform changes mean that there are some exceptional cases where DHP will be required in the longer term. However, DHP should never be considered as a permanent solution.

DHPs can be used to cover housing costs which in general means shortfalls between eligible rental liability and payment of Housing Benefit. The Council also considers applications of DHP for rent in advance or a deposit and other one off housing related costs such as help with removal costs.

All DHP applications will be considered on their own merits. A resident can only qualify for an award if they are entitled to Housing Benefit or the Housing Element of Universal Credit and pay rent or require further assistance with housing costs.

Applications can be made on the Council's website.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

**13. From Councillor Meade to Councillor Godfrey, Cabinet Member for Housing, Transport and Special Projects**

Can you please clarify where the council is in its investigation of East Kent Housing, including what action is to be taken against P&R who at present seem to have been able to walk away from the situation without penalty?

**ANSWER:**

The Council considers the health and safety of our tenants to be of the utmost importance. The four Council owners are therefore commissioning a detailed investigation of all aspects of health and safety and compliance across the housing stock managed by East Kent Housing to ensure that the problems that have been identified in terms of gas safety certificates and other compliance issues, do not happen again. Following the identification of potential overcharging during the gas servicing and maintenance contract that ended on the 3 July, I can confirm that a detailed legal investigation is currently underway. The outcome of both investigations will be fully reported to members as soon as they are completed. East Kent Housing's Board have also commissioned their own independent investigation into the issues of non-compliance across the stock. Once this is concluded, we will be clear on the actions to take place.

**SUPPLEMENTARY QUESTION:**

My understanding is that new contractors have been brought in. Will they operate at the same rate, or cost more, and will this be considered in the legal case?

**ANSWER:**

I will provide you with a written response.

**14. THIS QUESTION WAS WITHDRAWN AT THE MEETING - ~~From Councillor Keen to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control~~**

~~We appear to have a large number of people using the Warren as an unofficial camp site. On a recent visit to the Warren I counted a number of tents and makeshift shelters, there are broken bottles, rubbish and needles. This area is popular with local residents and children and the rubbish, and needles pose an H&S risk. Do enforcement officers currently visit the Warren?~~

**15. From Councillor Davison to Councillor Monk, Leader of the Council**

I am happy to see the re-opening by this council of the public toilets at Bouverie place, will you now consider working with the charity Tearfund to twin them with toilets in a poor community overseas to ensure better sanitation for those without this basic human need?

**ANSWER:**

The Council has arranged to reopen the toilets at Bouverie Place to add to the existing public conveniences in the Town Centre. The Council works solely for the residents of the District to ensure that their needs and requirements are met. It is not for the District Council to decide to use our council tax payers money for charitable causes. I am happy to put a link on the website to increase awareness of this charity.

**SUPPLEMENTARY QUESTION:**

Could I have the opportunity to meet with the Leader to discuss this further?

**ANSWER:**

I am always happy to meet with Councillors.

**16. From Councillor McConville to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

How many instances of fly tipping have been reported since the introduction of the KCC non-household waste charges at their household waste recycling centres?

**ANSWER:**

KCC introduced charging at their household waste sites at the beginning of June.

For that month, the council's contractor Veolia dealt with 117 separate incidents across the district. This compares to 67 incidents recorded in June 2018 and 65 incidents in June 2017.

The number of reported fly tips can fluctuate between months so it is too early to draw any firm conclusions however we will continue to monitor fly tipping and any connection to the introduction of charging by KCC at their household wastes sites. The council did raise concerns to KCC about charging and the potential impact on fly tipping during the consultation exercise.

**SUPPLEMENTARY QUESTION:**

In your opinion, does the cost of these additional incidents match up with what KCC are charging?

**ANSWER:**

The contract with Veolia covers the cost of clearing up fly tips, so it does not make any difference to us.

**17. From Councillor Meade to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

As the contracts for the areas waste services are being negotiated with Veolia, can you please confirm if conditions are being placed in the contract to protect residents from replacement bin charges due to breakages from Veolia?

**ANSWER:**

The council will shortly be entering a tender process for the next waste and street cleansing contract. The contract will include as it currently does an indemnity clauses where the new contractor will be legally liable for any damage arising from their negligence.

Veolia will replace bins damaged as the result of their negligence and this year to the end of June Veolia have replaced 261 bins and containers at their expense. Residual refuse bins that break due to their age, wear and tear are charged.

Charging for residual bins allows the replacement bin budget to be prioritised on the replacement of recycling bins and containers. This supports our residents to recycle and our overall environmental commitment to increasing recycling levels across the district.

**SUPPLEMENTARY QUESTION:**

If we are going to tender, can we take a serious look at the services provided, because presently the contractors do not always leave the area in a clean and pleasant state?

**ANSWER:**

I do agree, at times, contractors have to work fast and do not leave the area in the state that they should. However, the contract is actively monitored, and this part of the contract would be bolstered for the tender.

**18. THIS QUESTION WAS WITHDRAWN AT THE MEETING - ~~From Councillor Keen to Councillor Monk, Leader of the Council~~**

~~What are we doing as a council to alleviate the stress caused by the delays people are experiencing with Universal Credit Payments, who consequently become unable to pay their council tax due to having no income for up to 8 weeks and struggling to provide for their basic needs?~~

**19. From Councillor Davison to Councillor Monk, Leader of the Council**

Why it is that you and your Cabinet think you have the right to ignore a democratic decision of this council, made by elected representatives of the people at our full council meeting in July, to stop the Princes Parade development?

**ANSWER:**

As was explained at the last meeting decisions on the making and withdrawal of planning applications are matters for the cabinet. Hythe requires a new

leisure centre to replace the existing pool, it is 16 years since the residents of Hythe were promised a new pool and I wish to honour that promise.

The new centre will provide good quality modern swimming facilities and a new gym and multipurpose fitness suites. It creates new open parkland and improves the environment of the beach front.

I have asked officers to appraise the implications of not implementing the plans but as things stand, the Princes Parade development provides the best opportunity to replace the pool in a comparatively short timescale and at a price that achieves value for money. No other option can achieve this. It would therefore be irresponsible to take a decision to stop the project, not only has the council already expended considerable resources both in money and time which would then be wasted but the council would then be left with no credible alternative that would see the new centre constructed and open.

**SUPPLEMENTARY QUESTION:**

Have you heard the message that people voted for change?

**ANSWER:**

I have heard the message which got me re-elected.

**20. From Councillor McConville to Councillor Monk, Leader of the Council**

On September 20<sup>th</sup> there will be a strike across this country in many schools in support of climate awareness, will you consider joining our students by closing this building for 30 minutes on that day?

**ANSWER:**

The Council's employees have a duty to work for all residents of the District and as such we cannot cease our services to support this cause. Our residents expect to be able to contact the Council within ALL working hours. Further to this we have many commercial tenants occupying parts of the building providing income to assist in providing essential services to our residents. These tenants require access to the building for them and their customers during working hours. If our staff wish to support this cause then they can do in their own time.

**THERE WAS NO SUPPLEMENTARY QUESTION.**

This report will be made public on 17 September 2019



Report Number **A/19/12**

**To:** Council  
**Date:** 25 September 2019  
**Status:** Non- Executive Decision  
**Head of Paid Service:** Susan Priest  
**Responsible Officer:** Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

**SUBJECT: REPORT TO COUNCIL ON A KEY DECISION MADE IN ACCORDANCE WITH THE CONSTITUTION'S CALL-IN AND URGENCY' RULE**

**SUMMARY:** The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.

**REASONS FOR RECOMMENDATIONS:**

This report is recommended to Council, to note for information, in accordance with the constitution, Part 6.3, rule 7.

**RECOMMENDATION:**

**To receive and note report A/19/12.**

## 1 INTRODUCTION

- 1.1 The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the call-in rules of procedure, Part 6.3, rules 1 to 6, do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the council, together with the reasons for urgency.
- 1.2 At its Special meeting on 31 July 2019, the Cabinet considered Report C/19/16, which advised that the former contractor for gas servicing and heating installations, P&R installation Company Ltd (P&R), triggered a no fault break clause under the terms of the contract with a termination date 3 July 2019. The four councils, with DDC acting as the lead, started the procurement for a new contract. The report detailed the outcome of this procurement process and made a recommendation for reward. The report also outlined risk controls to be implemented by East Kent Housing to improve the management of the next contract.

The Cabinet made the following resolution:

1. **That report C/19/16 be received and noted.**
2. **That the contract be awarded to Company A subject to the risk mitigation measures set out in 5.5.**
3. **That an additional budget provision of £ 93,201 be agreed, as set out in 5.6 and 5.7, to be funded from the Housing Revenue Account for contract management improvements to be implemented by EKH**

(Voting figures: 6 for, 0 against, 0 abstentions).

- 1.3 It was necessary to take the decision under the constitution's 'Call in and Urgency' rule (Part 6.3, rule 7) for the reasons shown below. The current gas servicing and heating contractor, P&R Ltd, gave formal notice of their intention to terminate the contract on 2 April 2019 bringing the contract to an end on 3 July 2019. The successful completion of the procurement process in that time was ambitious and it became clear at the evaluation stage that additional due diligence and clarifications to bidders were needed and it was not possible to successfully award the contract before the end of the contract. A temporary interim contract has been set up with a single supplier for a limited period provisionally set for 4 months.

Reasons for urgent decision:

- It is also imperative in terms of service to council tenants and to meet the landlord's responsibilities under Gas Safety (Installation and Use) Regulations 1998 and Landlord Tenant Act 1985.
- Service is being provided under an interim contract and swiftly moving to more stable long-term working arrangements would be in the interest of tenants.

## 2 LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 2.1 Legal Officer's comments (AK)

There are no legal issues arising from this report.

**2.2 Finance Officer's comments (LW)**

The financial implications of this report were addressed in cabinet report C/18/13 to which this relates.

**2.3 Diversity and Equalities Implications (ST)**

There are no diversity and equality implications arising from this report.

**3 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Jemma West  
Senior Committee Services Officer  
Tel: 01303 853 369  
E-mail: [jemma.west@folkestone-hythe.gov.uk](mailto:jemma.west@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of this report:

None

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