

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 13 March 2019

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Ms Janet Holben, Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey*, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons (Vice-Chair), Philip Martin, Ian Meyers, David Monk, David Owen (Chairman), Dick Pascoe, Paul Peacock, Stuart Peall, Damon Robinson, Mrs Carol Sacre, Russell Tillson, Mrs Rodica Wheeler and Roger Wilkins

Apologies for Absence: Councillors Frank McKenna and Mrs Susan Wallace.

(* For part of the meeting).

83. Declarations of Interest

Councillor Owen made a voluntary declaration with regard to the Motion put forward by Councillor Robinson, referring to East Kent Housing, as he was a Director on the Board of East Kent Housing.

During the consideration of the item relating to Commercial Investment Opportunity, Councillor Mrs Hollingsbee made a voluntary declaration in that she attends a dentist within the building referred to.

84. Minutes

The minutes of the meeting held on 20 February 2019 were submitted, approved and signed by the Chairman.

85. Chairman's Communications

The Chairman reported the following:

“A very short report this evening. Since we last met three weeks ago, the Vice-Chairman and myself have attended four engagements. The Vice-Chairman attended New Romney’s Commonwealth Day celebration while I have supported one charitable evening and two Civic Services, the second of which was the Lord Lieutenant of Kent’s Annual Service which this year was held in our County town of Maidstone, and was attended by 1 Lord Mayor, 1 County Chairman, 18 Mayors and 6 District Chairman as well as the High Sheriff of Kent and many representatives of Kent’s Military and Voluntary sectors. This was a good opportunity to celebrate the Civic life of Kent”.

86. Petitions

There were no petitions to be presented.

87. Questions from the Public

There were no questions from the Public.

88. 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.

After question 11 was answered, the 45 minute time limit for questions was reached.

Proposed by Councillor Owen,
Seconded by Councillor Mrs Lawes;

That Rule 10.7 which states “Councillors questions to the Council shall be limited to 45 minutes” be suspended.

(Voting figures: 9 for, 19 against).

The motion was therefore LOST.

The Chairman advised that a written response would be provided to those questions which were not dealt with at the meeting.

89. Announcements of the Leader of the Council

The Leader made the following announcements:

“Good evening,

Let me start by congratulating the Area Officer Team on being awarded, not one, but two silver iESE Public Sector Transformation Awards, one in the community Focus-Place category and the other in the Transformation in Environmental Services category. For such a recently formed team to do so well is truly amazing. The really good thing about this initiative is that the beneficial effect on the appearance of the District is accumulative, so I look forward to them going for Gold next year.

I am pleased to announce that we have served the landowners of the Leas Pavilion with a Repairs Notice. They now have two months in which to comply with this notice which lists a significant schedule of works. Should they fail to comply we could then apply for a Compulsory Purchase Order with the view to engaging with another developer to come forward to satisfy the requirements of the notice as part of a new planning application. We would then instigate any time sensitive remediations to stop further deterioration. When I spoke to Historic England about this course of action, they said that this Council was to be congratulated as so many just let the buildings collapse.

I am also pleased to announce that the application for outline planning permission for the Otterpool Park Green Town development has been submitted and will be out for consultation sometime next week.

By the end of next week, the Civic Building will be fully let.

As some of the other things I was going to talk about this evening have already been covered during Councillors' Questions I will say no more other than to ask you to receive my report".

The Leader of the Opposition, Councillor Meyers, responded and stated that as usual, there was little in the Leaders announcements which he could disagree with.

The Leader responded to the points raised, stating that he congratulated the Area Officers Team on their awards. He added that the improvements to the visual appearance of the town was important and his party supported this move. He also stated that the Otterpool news was interesting. He mentioned that the Conservative Members had put forward an extensive list of questions, and it was a shame that some opposition members did not get their questions heard.

The Leader responded that Question time had previously been used by the opposition to slap down Cabinet Members, and they had felt it time to get their own back.

Proposed by Councillor Monk,
Seconded by Councillor Love; and

RESOLVED:

That the announcements of the Leader be noted.

(Voting figures: 28 for, 0 against, 0 abstentions).

90. **Opposition Business**

The UKIP group had brought the following Opposition Business:

"We wish to present our view of some of the strategies for the regeneration of High Street Shops and shopping centres and ask the Council to adopt these"

Councillor Laws, on behalf of the opposition, advised that at the last Full Council it was announced £3 million had been set aside for regeneration of local high streets across the district. He noted that the number of shops closing each day across the country is in the order of 14, and that everybody was aware of the troubles on the high streets. He made reference to the Government Fund of

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£675 million to be spread across a number of applicants and that it is hoped that if local council's put money aside, it would be matched.

He referred to work, by John Timpson and Mr Grimley, which sets out recommendations for regeneration. These include:

- Half an hour free parking and Smart Meter bays;
- After a business premises is empty for a month, they get a letter from the council giving advice on how to re-let, and advising that they will pay a tax if the property remains vacant after a year. Short term leases to students and community groups were also a considered option;
- Most shops close at 5.30, and longer opening hours would encourage people to the area;
- Removal of business rates from shops, and a flat rate tax be applied on all sales (on-line and retail), to create a level playing field; and
- There was also a town centre group, including landlords, business owners and both district and county councils, to find a way forward and introduce these things.

He stated that he hoped the council could take up some of these things, and take on board that other towns in the district, beyond Folkestone, were also suffering.

The Leader responded on behalf of the administration, stating that he did not disagree, but felt that he had reported at the previous meeting what the Council is doing, including setting up a Regeneration Board, to look at high streets across the district, headed by the MP, and with KCC, British Rail and high level landlords on board. He confirmed that this Board was up and running. With regard to the free half hour parking, the Leader reminded councillors that there had been a discussion on this previously and two hours free parking was allowed. Business Rates are set by central government and there is limited control over this. He flagged that while Debenhams is considered to be a vulnerable store at the moment, the council is already engaged in discussions with the store owner and the owner of Bouverie place. The Council would consider all of the suggestions made, and a bid is being prepared. He confirmed the reason for establishing a High Streets Reserve was to provide for match funding, should that be needed.

Councillor Laws then summed up his motion, and stated that the council should be lobbying central Government with regard to business rates. He added that he was pleased about the creation of the Regeneration Board, and felt that all councils should do this.

Proposed by Councillor Laws,
Seconded by Councillor Meyers;

That the issue be referred 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 (option (b)).

The motion was **LOST**.

(Voting figures: 4 For).

The proposer of the motion acknowledged it had been lost.

Proposed by Councillor Monk,
Seconded by Councillor Pascoe; and

RESOLVED:

That the motion issue raised be noted, and no further action taken (option (a)).

(Voting figures: 25 for, 3 against, 0 abstentions).

91. **Motions on Notice**

Proposed by Councillor Meyers,
Seconded by Councillor Mrs Sacre,

"I move that this council introduces into its planning policy the mandatory requirement that all 'New Build Developments' including Otterpool Garden Town & Princes Parade, make provision for nesting birds. This to be achieved by installing nesting boxes in the form of a 'Swift Brick' in all buildings in order to halt the decline of this species in our district".

The motion was **LOST**.

(Voting: For 4; Against 24; Abstentions 0)

Proposed by Councillor Robinson,

"As you know we councillors get problems given to us from our ward about East Kent Housing mostly due to a poor complaints procedure or repairs.

Is reform needed with East Kent Housing?"

Following debate, Councillor Robinson sought the consent of the Council to alter his motion, as per rule 15.7.1 of the constitution, to state that the issue of complaints relating to East Kent Housing be referred to the Overview and Scrutiny Committee.

Proposed by Councillor Robinson,
Seconded by Councillor Gane; and

RESOLVED:

That the issue of complaints relating to East Kent Housing be referred to the Overview and Scrutiny Committee for further consideration.

(Voting: For 27*; Against 0; Abstentions 0)

** Prior to the vote on this motion, Council Jeffrey left the meeting.*

92. **Statement of Principles - Gambling Act 2005**

The report set out the proposed Statement of Principles under the Gambling Act 2005 for the period April 2019 – 2022.

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

RECOMMENDATIONS:

1. **That the report be received and noted.**
2. **That the revised Statement of Principles (April 2019-2022) be adopted.**

(Voting figures: 27 for, 0 against, 0 abstentions).

93. **Pay Policy Statement 2019/20**

The report considered the recommendation from the Personnel Committee and presented an updated pay policy statement for 2019/20 for approval.

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

RESOLVED:

1. **That report A/18/24 be received and noted.**
2. **That the recommendation of the Personnel Committee be noted.**
3. **That under S38(1) Localism Act 2011 the updated Pay Policy Statement appended to the report for 2018/19 be approved.**

(Voting figures: 27 for, 0 against, 0 abstentions).

94. **St Mary in the Marsh Neighbourhood Development Plan**

The St Mary in the Marsh Neighbourhood Development Plan has had a successful planning referendum with 87% of those who voted, voting in favour of using the Plan for planning purposes. Following a successful referendum the District Council, as the local planning authority, must now bring the Plan into force (or as the legislation terms it, 'make' the plan).

Proposed by Councillor Collier,
Seconded by Councillor Tillson; and

RESOLVED:

1. That report A/18/27 be received and noted.
2. That the St Mary in the Marsh Neighbourhood Plan part of the Development Plan for the St Mary in the Marsh Neighbourhood Area be made, in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
3. That a 'Decision Statement' be published, as set out in Appendix 1, in accordance with Section 38A (9) (10) of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

(Voting figures: 27 for, 0 against, 0 abstentions).

95. **Exclusion of the Public**

Proposed by Councillor Owen,
Seconded by Councillor Lyons; and

RESOLVED:

That the public be excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

'Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated as well as current activities.'

(Voting figures: 27 for, 0 against, 0 abstentions).

96. **Investment Opportunity**

The report considered the recommendation of the Cabinet on the opportunity to make an investment to the Council's advantage.

Proposed by Councillor Monk
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/18/26 be received and noted.
2. That the Corporate Director – Place and Commercial, in agreement with the Leader of the Council and the Cabinet Member for Finance, be authorised to acquire the property described in the report, subject to legal due diligence being carried out, as an investment for the

Council and on terms to the satisfaction of the Chief Finance Officer (Section 151 Officer).

- 3. That the principles for commercial investments as set out in paragraph 3.6 of the report be adopted.**
- 4. That delegated authority be given to the Chief Finance Officer (Section 151 Officer) in consultation with the Cabinet Member for Finance to make the appropriate changes to the Investment Strategy, Medium Term Capital Programme, Treasury Management Strategy and Capital Strategy should the purchase be concluded.**

(Voting figures: 22 for, 1 against, 4 abstentions).