



Agenda

Meeting: **Council**
Date: **18 December 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 (Pages 5 - 6)**

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 or download from our
website
www.folkestone-hythe.gov.uk

interest or any other significant interests in any item/s on this agenda.

3. Minutes (Pages 7 - 30)

To receive the minutes of the meeting of the council held on 20 November 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

1. From Mr Rylands to Councillor David Godfrey, Cabinet Member for Housing, Transport and Special Projects

What were the numbers for the Rough Sleepers across the district when the Council and other agencies undertook the headcount in Nov 2019?

7. Questions from Councillors

(Questions can be found on 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 Labour Group has raised the following matter:

This council resolves to:

Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply. We also call on Kent County

Council to adopt the same protocols...

1. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
2. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
3. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
4. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
5. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
6. Review its contractual spending regularly to identify any potential issues with modern slavery.
7. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
8. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
9. Publicly display the acceptance to the modern slavery charter.
10. Report publicly on the implementation of this policy annually."

Council Notes:

There were 6,985 victims of modern slavery submitted to the National Referral Mechanism in 2018, a 36% increase on 2017. Of this number 3,128 of those victims were children. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office. Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

5,059 criminal claims of modern slavery have been referred to the police between March 2018 and March 2019.

"That this Council believes that action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK. That councils have an important role to play in ensuring their contracts and supplies arrangements are set up to combat modern day

slavery and exploitation.

Debates on opposition business shall be limited to 30 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**

There are no motions on notice.

11. **Appointment of Independent Persons under the Localism Act 2011 (Pages 31 - 36)**

This report sets out the Audit and Governance Committee recommendations on the appointment of Chris Harman, David Carter and Ken London as the Independent Members under s28(7) of the Localism Act 2011.

12. **Audit and Governance Committee - Independent/Co-opted Member (Pages 37 - 46)**

This report sets out the recommendations of the Audit and Governance Committee that a co-opted/independent member be appointed to the committee.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 20 November 2019

Present: Councillors Mrs Ann Berry (Chairman), Danny Brook, John Collier, Laura Davison, Michelle Dorrell, Gary Fuller, Peter Gane, 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: Councillors Miss Susan Carey, Ray Field and Clive Goddard

56. Declarations of Interest

Councillor Mrs Jenny Hollingsbee declared an Other Significant Interest (OSI) in respect of minute number 69 (Otterpool Park - additional capital funding) in that she has two properties adjacent to the site and she would therefore take no part in the discussions and voting on this item. She stated that she had previously declared this as a voluntary declaration but on advice would now declare reluctantly an OSI.

Councillor Lesley Whybrow declared a voluntary announcement in respect of minute 66 in that she is Joint Leader of the Opposition and would stand to benefit from the recommendation so therefore felt she could not take part in the vote and requested that each recommendation is taken individually.

Councillor Connor McConville declared a voluntary announcement in respect of minute 66 in that he is Leader of the Labour Party and would stand to benefit from the recommendations so therefore felt he could not take part in the vote.

57. Minutes

The minutes of the meeting held on 16 October 2019 were submitted, approved and signed by the Chairman.

58. Chairman's Communications

The Chairman made the following announcements:

Another busy month of supporting Events.

Many of which have been Commemorative such as, the launch of the Poppy Appeal in Maidstone which featured largely on youth involvement.

Attending the Garden of Remembrance where crosses were laid at the foot of the many white crosses set out there, representing the vast number of different regiments.

A Commemorative service at the Dover Cruise Terminal, which concluded with a moving speech about the Unknown Warrior.

The Annual Youth Festival of Remembrance at the Leas Cliff hall was once again an amazing spectacular with a variety of groups taking part. Each year it goes from strength to strength.

Folkestone's Remembrance service was extremely well supported once again with many laying wreaths at the War Memorial on the Leas, ending with a march past at the Town Hall. This was followed the next day by a service at the Machine Gun Core Memorial on the Cheriton road.

This month too we saw the much awaited re-opening of Morrisons on Cheriton road.

An invitation by The Mayor of Lydd Town Council, to join them to listen to the wonderful Gurkha Band play in the local Church, which was packed to the rafters. It was good to see one of our own Councillors busy organising the raffle.

Yesterday by kind invitation of the Mayor of Ashford we visited two iconic buildings. A new Brewery called 'Curious' of ultra-modern design which opened earlier this year and a visit to the large, new addition to the Outlet.

In addition I would like to tell you about the recognition our staff have received about being really good at Customer Service Excellence.

We had our three yearly deep inspection and assessment last week and the inspector was so impressed that not only were we fully compliant in all 57 areas that are rated, we achieved plus rating in 12 of these, one up on last time.

He was particularly impressed with our professional working and the passion and drive of our staff, and the 12th compliance plus was for staff development and training.

I am sure you will join me in thanking the staff and wishing them well.

59. **Petitions**

There were no petitions.

60. **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.

61. **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.

NOTE: Councillor Davison asked that it be noted that she objected to the fact that the meeting was not being webcast live as important points and questions were being made by members of the public and councillors and felt people had a right to hear the answers to the questions put.

62. **Announcements of the Leader of the Council**

No announcements were made by the Leader.

63. **Opposition Business**

There was no opposition business.

64. **Motions on Notice**

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

Councillor McConville outlined his motion which was set out in the agenda.

Proposed by Councillor Connor McConville
Seconded by Councillor David Monk and

Resolved that this Council:

- Move towards phasing out the use of all pesticides and weed killers in council owned parks, gardens and play areas.
- Trial pesticide-free alternatives to control weeds in these areas. These might include; biodegradable foam or hot steam treatments on weeds.
- To report the outcomes of these trials to the Climate and Ecological Emergency working group for discussion and recommendation within 12 months.
- Grant an exception to the above 'phasing out' regarding the control of Japanese knotweed, or other invasive species, where there are currently no effective mechanical techniques available. For these plants glyphosate will be stem-injected, rather than sprayed, to reduce its spread in the environment.
- Grant an exception on sprays only in relation to Giant Hogweed where it's not safe to be dug out or safely removed by other

means or where invasive plants are too small to be stem injected.

- It is recognized that herbicides are required for the control of weeds in fine turf such as bowling greens and tennis courts. Any chemical use will be kept to an absolute minimum and alternative methods of control, trialed when and if they become available.
- Write to the secretary of state for the environment to inform the government of this Council's opposition to glyphosate-based pesticides and to call for a UK-wide programme to phase out use once trials have been concluded and viable alternatives have been introduced for weed control across the District.

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

2. From Councillor Whybrow, Leader of the Green party

Councillor Whybrow outlined her motion which was set out in the agenda.

Proposed by Councillor Lesley Whybrow
Seconded by Councillor Rebecca Shoob and

Upon being put the motion was **LOST**.

(Voting: For 13; Against 14; Abstentions 0)

65. Amendment to the scheme of delegation of Executive functions made by the Leader of the Council

Under the Council's constitution (part 6, para 1.4.1) the Leader of the Council decides on the delegation of cabinet functions. The Leader may amend the delegations at any time by giving written notice to the Head of the Paid Service. Where such a notice is received the Head of the Paid Service must submit a report on the amendments to the next ordinary meeting of the Council. This report set out the amendments made by the Leader.

Proposed by Councillor David Monk
Seconded by Councillor Mrs Jenny Hollingsbee and

1. To receive and note report A/19/15.

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

66. Report from the Independent Remuneration Panel on Members' Allowances and Expenses

This report recommended the consideration of the proposals of the Council's Independent Remuneration Panel that the members allowance scheme for elected members of Folkestone and Hythe District Council be amended.

Proposed by Councillor David Monk
Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved:

- 1. To receive and note report A/19/19.**
- 2. To refer the report to the Governance Working Group and report back to Council.**
- 3. To thank the Independent Remuneration Panel for undertaking the review.**

(Voting: For 24; Against 1; Abstentions 2)

67. Members' Allowances - Independent Remuneration Panel

This report recommended the council's approval for the appointment of members for the Folkestone and Hythe Independent Remuneration Panel.

Proposed by Councillor David Monk
Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved:

- 1. To receive and note report A19/18.**
- 2. To appoint:**
 - (a) Chris Harman**
 - (b) Beverley Crouch**
 - (c) Paul Murphy**
 - (d) Judy Williams**

As members of the Folkestone and Hythe Independent Remuneration Panel for a period of four years from 2 December 2019.

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

68. Budget Approval for Folkestone Beach Chalets Scheme

This report proposed changes to the Council's capital programme including the capital funding implications. The capital works are a request from the Trustees of the Folkestone Parks and Pleasure Grounds Charity to provide capital funding of £500,000 to support the renovation of 16 of existing

beach chalets, the demolition of the remaining 58 beach chalets and the installation of 120 new beach chalets at Marine Walk, Folkestone.

Proposed by Councillor Tim Prater

Seconded by Councillor Connor McConville that

Recommendation 2 be amended to read:

“To refer the matter to Overview and Scrutiny Committee to consider the scheme as a whole prior to decision being made by the Council.

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

FOR: Davison, Dorrell, Fuller, Keen, J Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Wing

AGAINST: Berry, Brook, Collier, Gane, Godfrey, Hills, Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe, Whybrow, Wimble

ABSTENTIONS: None

(Voting: For 12; Against 15; Abstentions 0)

The vote was LOST.

Proposed by Councillor Douglas Wade

Seconded by Councillor Stuart Peall and

Resolved:

That a further recommendation be added:

- 3. That details of how this loan is to be implemented are yet to be finally decided and will be decided subject to appropriate consultation and flexibility of implementation.**

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

Proposed by Councillor David Monk

Seconded by Councillor John Collier and

Resolved:

- 1) To receive and note report A/19/16.**
- 2) To approve the change to the Council's capital funding programme to include £500,000 to be met from Prudential Borrowing to support the Folkestone Parks and Pleasure Grounds Charity's Folkestone Beach Chalets Scheme.**

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

FOR: Berry, Brook, Collier, Davison, Dorrell, Fuller, Gane, Godfrey, Hills, Hollingsbee, Keen, J Martin, P Martin, McConville, Meade, Meyers, Monk, Mullard, Peall, Rolfe, Shoob, Treloar, Wade, Whybrow, Wimble, Wing

AGAINST: None

ABSTENTIONS: Prater

(Voting: For 26; Against 0; Abstentions 1)

69. **Otterpool Park - Additional Capital Funding**

This report considered the recommendation of the Cabinet on additional capital funding for the Otterpool Park project.

Proposed by Councillor David Monk
Seconded by Councillor David Wimble and

Resolved:

1. **To receive and note report A/19/17.**
2. **To make available an additional one hundred million pounds to be drawn down over a period of up to five years to enable the Otterpool Park project to proceed.**

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

FOR: Berry, Brook, Collier, Gane, Godfrey, Hills, P Martin, Meyers, Monk, Mullard, Peall, Prater, Rolfe, Shoob, Wimble

AGAINST: Davison, Dorrell, Fuller, Keen, J Martin, McConville, Meade, Treloar, Wade, Whybrow

ABSTENTIONS: Wing

(Voting: For 15; Against 10; Abstentions 1)

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Council – 20 November 2019

Public Questions

From Mrs Lawes to Councillor David Godfrey, Cabinet Member for Housing, Transport and Special Projects

1. Could you explain why, in 2017 most private properties especially in Folkestone but not exclusively, were rented by London Boroughs for people on their waiting list?

This reduced vastly private rented housing to local families.

Can you tell me why, other Councils like Thanet are still putting people on their waiting list into private properties in Folkestone? Still reducing local housing for residents.

With the lack of rented housing for locals especially in Folkestone, what plans are in place to improve quality and quantity housing for local families?

ANSWER

Having regard to the first part of your question we have no evidence to support the suggestion that London Boroughs are accessing private sector accommodation in the district, to house people from their waiting lists in settled accommodation.

We are aware that some other neighbouring councils are placing in the area for use as temporary accommodation, but those clients will be returning to their own areas in order to access long term accommodation.

The council is working to increase the availability and quality for private rented accommodation in the district. In 2017 FHDC introduced Property Solutions, this is a scheme that works on the premise that the local support we can offer to private landlords is far in excess of some of the financial incentives offered by London Boroughs and others. Property Solutions is now the fastest growing of such schemes in Kent and between Property Solutions and ABC Lettings that we jointly run with Ashford Borough Council we now have 150 properties on board growing at a rate of about 10 – 15 per month especially following our successful landlord event last month, these are all private rented sector properties.

In addition to the above we also work with Folkestone clients on a case by case basis for individual properties that clients identify.

Property Solutions is part funded by central government monies in a joint bid by FHDC, Dover and Thanet (Private Rented Sector Access fund) As such both Dover and Thanet are looking to replicate the success of the FHDC Property Solutions Scheme in their own areas.

SUPPLEMENTARY QUESTION:

Following on from this the Council only started recording numbers in 2018 of the people moving into the district from other districts and at the same time moved 250 from Folkestone and Hythe to other districts into temporary accommodation such as the likes of Sittingbourne, having seen the numbers. How many have now been moved back into the district due to work, schools, families and children's friends and is this some sort of engineering with the people of Folkestone?

ANSWER:

No numbers to hand, however we do share with neighbouring districts it is a way for us to get people housed. No engineering of sort that I know of.

From Mrs Sacre to Councillor John Collier, Cabinet Member for Property Management and Grounds Maintenance

2. In spring this year it was understood our public toilets, located within the bus station, yet owned by the shopping precinct management, in Folkestone, would be reopening shortly, following restoration work. To an onlooker it appears no such work has been undertaken, in the preparation for the reopening.

When will the toilets be reopened for the public's use?

ANSWER:

The lease is currently being drawn up between the legal teams of the Council and the Shopping Centre owners.

Quotations have been received for the renovation works. As soon as the lease completes works will commence.

We hope to have the toilets open for Christmas.

SUPPLEMENTARY QUESTION:

I am in no doubt that the Folkestone Management team are disinclined to open this much needed necessity would the Council therefore consider a compulsory purchase order on the owners of the toilets?

ANSWER:

No need to do so it is proceeding.

Full Council – 20 November 2019**Councillor questions:****1. From Councillor Fuller to Councillor Godfrey, Cabinet member for Housing, Transport and special projects**

Given the concerns over fire safety at Ross House, and the time taken to identify them, will the Council be urgently reviewing fire safety in all EKH properties in the district and, if so, when is it expected that such a review will report back to this Council?

ANSWER:

In addition to the information in the briefing note sent to all Councillors I can advise that East Kent Housing have completed detailed fire risk assessments across all 180 communal blocks across the Council's housing stock. A programme of works is in place to deal with the 479 actions identified through this process, the details of which have been previously reported to members. EKH have put mitigation measures in place to deal with the most serious issues identified to ensure that residents are safe in their homes and the Council, along with the other 3 East Kent Council owners, continue to work with the Social Housing Regulator on this issue and in respect of wider compliance across the Council's housing stock. The programme of fire safety works will deal with the most serious actions as a priority and it is anticipated that all the works will be completed within an 18 month period. However, the Fire Risk Assessment process across the Council's housing stock is an ongoing process and regular checks and update Fire Risk Assessments will be completed to ensure that the homes remain safe and compliant.

SUPPLEMENTARY QUESTION:

Is there going to be a full review of every single EKH property, be it communal or dwellings?

ANSWER:

I would expect a full review of all of our properties to take place, how long this will take I do not know but will find out for you.

2. From Councillor Fuller to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control

Ross House was inspected by this Council's Building Control Department on multiple occasions during its renovation. Given that there have since been a number of significant potential flaws identified in the works, what measures can this Council take to ensure that the Building Control process results in the provision of safe housing across the district?

ANSWER:

The Building Control team work to both British and European standards and the Approved Documents under the building regulations that contain guidance over 16 different categories covering compliance across all building activities.

The service is application based where the applicant submits plans, a building notice or a regularisation application. Applicants are only legally obliged to notify us at the start of a project and on completion. As a service we go far beyond these requirements by completing checks throughout the duration of many projects to prevent non-compliance.

The vast majority of our inspections are defined as pre-contravention intervention inspections which identify contraventions arising from both the present stages during a project and potential contraventions lying ahead at the future stages. Virtually all inspections are pre-contravention type given the complexity of the requirements. History has shown that pre-contravention inspections are the most effective way of avoiding Section 36 Notices at the later stages.

We engage every day in checking for compliance, identifying contraventions and considering solutions to overcome non-compliance on all projects, of which we have over a thousand recorded each year. As a team with a combined Building Control experience of well over 100 years we endeavor to intervene in projects as much as our resource permits but inevitably contraventions do come to light. Where we are made aware of them, and verbal resolution is not possible, we report formally to the responsible person and/or the building owner to remedy the works, either by remediation with their current contractor or through resolution in the civil courts. FHDC Building Control do not represent owners or contractors engaged in contractual disputes, our reports are impartial and non-political.

Where resolution fails after Section 36 Notices have been served and works remain in contravention, the case is handed over to Legal Services to consider whether it is appropriate or not to prosecute under Section 35 of the Building Act 1984.

With regards to Ross House; Fire safety in any building is not achieved by one single measure, instead it is compiled from a collection of several different precautions. Together they aim to protect life, by providing escape routes, minimum fire-resistance, restricting fire spread of the surface materials both inside and out, and providing essential access for the fire brigade.

The Building Regulations on Fire Safety (Part B in England and Wales) are divided into two volumes, the second volume which includes flats and comprises of five sectioned requirements each addressing these separate precautions. In its former edition it is Volume 2 – Part B (please note it has since been amended and published under Part B- Vol.1) that was used generally for flat conversion projects and new builds alike, and was applied whilst inspecting the Ross House project.

The Building Control Team made seven inspections during the project to discuss and inspect work in progress. Building Control Bodies do not supervise or guarantee compliance with the requirements on any project. The requirement for compliance rests with the responsible person carrying out the works. The

Building Notice submitted by them is a statement that they will meet the requirements of the Building Regulations in carrying out the works.

We are not aware of any contraventions of the Building Regulations requirements with the work that was undertaken, now or when it was completed on 29th March 2019 and without evidence of contravention the Building Control Body is required to issue a certificate of completion, containing the words from the statute that 'it is evidence of compliance but not conclusive evidence of compliance' since it is based on periodic site inspections and information, and not supervision of the works.

The Building Control Team will continue to work closely with EKH and Kent Fire and Rescue to review the fire protection measures and strategy for the property.

SUPPLEMENTARY QUESTION:

Following the specific issues with Ross House Is there any intention to review similar decisions in the future?

ANSWER:

Happy to meet with Councillor Fuller and the Building Control Officers to answer this at a later date.

3. From Councillor Fuller to Councillor Godfrey, Cabinet member for Housing, Transport and special projects

When purchasing new properties, especially with a view to their use as social housing, what attributes of the relevant building does the Council inspect and/or produce a report on to be considered by the relevant decision maker?

ANSWER:

When purchasing properties the, Council ensures that the following documents are in place:

- Building Control certification
- Building warranty if appropriate (such as LABC or NHBC)
- Gas safety certification (where applicable)
- Electrical test certificates
- Fire Test certificates
- Operations & Maintenance manuals

Where we are able, we request that our Employers Requirements are used which set out standards that meet or exceed statutory requirements. These have been developed with various stakeholder input including EKH. In the case of new build properties we would have our representative present at inspection stages for sign off. We also have visits from EKH fire specialists in order to check the fire safety measures and strategy within a property during works and on completion. Onsite inspections throughout the construction phase are clearly not always possible when an existing property is purchased, however, we will still require all necessary supporting documentation to be in place.

SUPPLEMENTARY QUESTION:

One of the documents on planning application for Ross House states that the developer was working with someone in the Council relating to the use for social housing at what stage were we working with the developer and what actual physical inspections took place at Ross House?

ANSWER:

Not aware of any conversations but will ask the relevant people and ask that Councillor Fuller meet with me to get the necessary answers.

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

This council doesn't currently record figures for internal recycling, as in recycling within Council offices. Will the council commit to recording those figures in the future?

ANSWER:

The Civic Centre is occupied by a number of tenants as well as the Council and the recycling from the building is all collected together under one arrangement and not split into tenants and Council recycling.

We have a trade waste agreement with Veolia who pick up all of the waste from the building. All of the confidential paper waste from the building is collected under contract, shredded and then recycled.

The Council has recycling bins placed all around the building and encourages staff to use these.

Whilst the split of waste is currently not recorded we can report that since January 2016 to September 2019 the overall amount of waste collected from the Civic Centre has fallen by 25%. We will review how we take figures going forward.

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

The provision of the £3 million High Streets Fund is a welcome boost to our ailing town centres. However, could the cabinet member explain why more than 70% of the funds have been allocated to Folkestone Town Centre when more than 50% of residents of the district live outside Folkestone?

ANSWER:

Folkestone is the largest and only sub-regional town in the Folkestone and Hythe District settlement hierarchy and as such is the district's main retail and employment centre. Therefore its success is important to residents in all parts of the district, not just those in the immediate area around it. Other key factors that support this level of funding include:

- Folkestone offers the only opportunity for leveraging in government investment to the district to bring forward new opportunities to future-proof its town centre. The Future High Streets Fund call for projects limited the district to funding for only one location and Folkestone was chosen as the largest centre in the district. FHDC's will have a second call for projects in 2020.
- Folkestone offers the best opportunity to deliver a commercially viable proposition that would attract private investment.

SUPPLEMENTARY QUESTION:

What statistical basis is there for the breakdown, is it around employment, what is the logic behind this?

ANSWER:

The decision was taken due to the foreseeable closure of Debenhams and as Folkestone is the central hub for the whole district it was needed to be done quickly and the Council moved swiftly to organise the monies to move forward.

6. From Councillor Davison to Councillor Godfrey, Cabinet member for Housing, Transport and Special projects

What do you propose to do about the fact that we have a housing crisis in our district, with sky high rents, people facing eviction simply because they claim benefits, and others trapped in accommodation that's too small because they have no guarantor or can't meet letting agents minimum income requirements?

ANSWER:

I am sure that you agree that the simple answer to your question is that the best way to meet demand is to build more homes /unfortunately we do not have a magic money tree so the obvious solution is to provide for all of our residents by building across the entire housing sector which will provide a sound economic basis to generate funding to provide more affordable and social let homes. Our best opportunity to achieve this is with Otterpool Park and I look forward to your support to bring this forward as soon as possible.

In the meantime I am sure that you are aware of and fully support the many initiatives the Council has in place to help residents and prevent homelessness such as:

- Property solutions
- ABC Lets
- Prevention Plus
- Rainbow Centre – work to assist rough sleepers and non-priority need households
- Sanctuary Outreach – Including a walk service Monday – Friday
- Our offices are open to the public Monday – Friday one of the last in Kent that do this for homelessness.
- Voluntary Relocation scheme.

We own our own block of S188 accommodation for homeless households.

SWEP run as a dedicated service with the Salvation Army continuing success sources of income through bids for funding in the region of 500k too date

We are also committed to increasing the number of Council and other affordable homes in the district:

The Council has a target to deliver 300 Council homes for rent and shared ownership purchase over the period 2015/16 to 2025/26

We, along with our other affordable housing partners, are on target to deliver at least 80 additional affordable homes in the district

SUPPLEMENTARY QUESTION:

I do not think Otterpool is the answer to our problems, need to take action now and ask Cllr Godfrey if he will work with me to organise a housing summit bringing people together to solve and work on this.

ANSWER:

Not sure this is a question but will get back to Cllr Davison in due course.

7. From Councillor Davison to Councillor Monk, Leader of the Council

Please can you supply a copy of the officers' appraisal of the implications of not implementing the Princes Parade plans, to which you referred in your answer to my question of August 2019.

ANSWER:

In my answer to your earlier question I said that "I have asked officers to appraise the implications of not implementing the ", Princes Parade, "plans" . I did not require a written appraisal, so I am afraid there is nothing to send you.

If you wish I can arrange for you to meet officers to discuss the matter.

SUPPLEMENTARY QUESTION:

Was the Leader aware of a recent exhibition and consultation held in Hythe Town Hall by the developer and any comments and information that emerged from this meeting with regards to ground conditions, drainage contamination and stability of the land and cost elements that relate to the Martello site?

ANSWER:

No.

8. From Councillor Davison to Councillor Monk, Leader of the Council

Folkestone market was renowned all over Kent and parts of London, possibly even further afield for its famous market; which drew many people into our town, boosting trade for local businesses. Over the years the market has been neglected. The traders are charged the most when it comes to rent in Kent and get less in return compared to other markets, no toilet facilities, no parking facilities and a dwindling footfall.

I understand that Folkestone Town Council would like to take this on and make it a prime area for the Town Centre, increasing the size of the market, introducing a wider selection of stalls and making it an affordable and profitable living for the traders by introducing fair rents with decent facilities and helping to increase the footfall.

Considering the District Council is keen to offload the Parks and Memorial Arch to the Town Council would it consider giving the Town Council absolute rights to running and restoring our Market to its former glories?

ANSWER:

Referring to the last paragraph above the two are not comparable, the Council is not trying to off-load it to the town council, it was an initiative that came from them in the first place.

Like many general markets, Folkestone market has declined over the years. The traders indicate that they have traditionally provided lower cost options for consumers but this role has been contested by the growth of online trading. The Council is seeking ways to revitalise the High Streets (eg. through the £3m High Streets Fund) and role of markets is proposed to be considered next year. It will involve a review of how markets can contribute to the commercial life of the District and this will include reviewing options for the Council's own market.

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

Do you have any information about the future of the now empty Aldi store in the centre of Hythe?

ANSWER:

We have no information on this property at this time.

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

Do you back the campaign to save Dymchurch post office?

ANSWER:

Councillor Wimble supports the campaign to save Dymchurch post office. Over the last 5 years he has personally orchestrated two petitions to raise awareness of closures in recognition of their value as key community assets and has helped to raise public awareness. He has also communicated directly with the local MP over this issue who he believes has taken this up with the relevant Government Minister.

In addition I would like to add that I arranged for the local MP to visit with the Post Office, he turned up but the Post Office didn't but he will meet again with the Post Office in the future.

SUPPLEMENTARY QUESTION:

I wanted to highlight the issue as it is an asset of value, can we designate the Post Office as asset in this area?

ANSWER:

I would have to take legal advice as this is a private franchise he has got and we need to do everything we can to keep all post offices open and I am happy to meet with anyone from any party to do the work.

11. **From Councillor Davison to Councillor Mrs Hollingsbee, Deputy Leader of the Council and Cabinet Member for Communities**

Can you make a statement on the impact on our community of open, blatant drug dealing on our streets?

ANSWER:

Within the Community Safety Unit and Community Safety Partnership we are very much aware of the impact of drugs and drug dealing within our community, we see the links between drugs and other criminal activity and are doing all we can with our partners to combat it. Over the last year we and partners such Kent Police have devoted considerable time to tackling the threat from both County Lines Drug Dealing and our own local Drug Dealing networks.

FHDC CSU have delivered training to professionals empowering the reporting of criminal activity, ASB and crimes associated to drug dealing as well as engaging with a number of our CSU/CSP partners to proactively deliver educational opportunities through delivery to schools and opportunities for young people. We also commission through the Police and Crime Commissioner a number of projects to support the diversion of such activities.

As a partnership we divert people away from drugs and other crimes through outreach operations such as Op Lion and Op Ariel. Working with partners to signpost drug users to the relevant support networks as together we acknowledge that arrest and prosecution is not always the most appropriate approach. We gather intelligence and work through a number of forums locally such as the serious and organised crime board to support the community.

County Lines are known to use the rail network and carry knives and weapons to enforce drug debts and intimidate other dealers. The Police with British Transport Police (BTP) were involved in two days of action in and around the two main train stations in Folkestone. Knife detection arches and dogs were deployed alongside officers trained to stop vulnerable missing children used by these gangs.

In terms of enforcement we have seen a number of successes and significant quantities of drugs, cash and weapons off of our streets with a number of offenders put behind bars by Kent Police. The Public Spaces Protection Order is one of the many tools we have as a district council to equally deal with drugs as well as Community Protection Orders and Community Protection Notices when appropriate.

Just this week the Kent Police Community Policing Team have disrupted three county lines operations, arresting 5 people (resulting in multiple charges for drugs offences), seizing around 800 wraps of class A drugs, and removing a caravan that was being used to deal drugs but was also causing a considerable amount of ASB as well.

The CPT have also targeted a number of recidivist offenders who commit crime to fund their drugs habits with no less than 6 prolific shoplifters and burglars targeted and recalled to prison. There is a constant need to actively disrupt this criminal activity and ASB which the partners working very hard to do on a daily basis.

Through organisations such as FAPAC we liaise with local businesses and within all partnership operations we listen to and respond to residents while actively encouraging all to report concerns. We have recently introduced a new district partnership vulnerability panel where a high level of support will go into referrals received for some of our most vulnerable residents who are impacted upon by criminality and ASB as well as cuckooing and hate crime.

Our FHDC homeless outreach support services with CSU are dedicated to a holistic approach to work with those on the street who may also be involved in drugs. A lot of work goes in to engage with these individuals to sign post them to appropriate services.

Our aim as a CSU/CSP is to offer a safe environment for all residents and business, this is a multi-agency approach and work we strive to deal with for the community.

SUPPLEMENTARY QUESTION:

Would like to invite you or the Leader to meet with my residents who have been affected?

ANSWER:

Certainly be happy to talk afterwards.

12. **From Councillor Keen to Councillor Monk, Leader of the Council**

Please can you describe the process in which the trustee's for the Folkestone Parks and Pleasure Grounds are chosen?

ANSWER:

Thank you for your question.

Following the 1974 local government re-organisation, Shepway District Council succeeded the Borough of Folkestone as Corporate Trustee for a number of areas of land in Folkestone, each a charity in its own right, specifically provided as a park, pleasure ground or recreation ground for the use and enjoyment of the inhabitants of the town and its neighbourhood.

The areas of land were

- East Cliff and Warren
- The Durlocks
- Lower Sandgate Road
- Radnor Park
- Morehall Recreation Ground
- Canterbury Road Recreation Ground

The individual charities all had identical objectives and to improve their administration a successful application was made to the Charity Commission to combine them into one.

On 13 June 1991 the Folkestone Parks and Pleasure Grounds Charity was established, by a Charity Commission scheme, for the provision of parks, pleasure grounds or recreation grounds for the use and enjoyment of the inhabitants of the former Borough of Folkestone and the neighbourhood thereof.

In accordance with the constitution of this Council the Council's cabinet carries out its Corporate Trustee functions.

SUPPLEMENTARY QUESTION:

In view of your response why are back-benchers not made trustees of the parks and pleasure grounds which would alleviate any conflict of interest members of the cabinet may have?

ANSWER:

I do not see that there is a conflict of interest that cabinet would have we sit as trustees of the charity and act as trustees, it is a matter of the constitution who is appointed and I agree that the constitution needs a revamp at some point but again there is no conflict as a trustee, see no problem with it and never have, it is a matter for deliberation with the constitution going forward.

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

With regards to the recent flooding across Folkestone, largely due to non cleaning of drains, what action plans has this council along with KCC prepared to ensure our drainage infrastructure can cope with further downpours? This is happening every year and shouldn't be taken as a surprise what action is being taken so this does not happen again?

ANSWER:

Southern Water are primarily responsible for the drainage infrastructure and the Environment Agency for rivers and water courses like the Pent Stream.

The council plays a role as the local planning authority for new developments and on the ground by helping to keep street surface drainage channels clear.

In terms of planning and new developments—

Policy CC3 of the Places and Policies Local Plan sets out the Council's approach to flooding and flood risk in respect of new developments. This policy requires rain water runoff from all hard surfaces to receive appropriate attenuation in accordance with Sustainable Drainage Systems, SuDs Manuals (CIRIA C753) to protect from pollution and to ensure that all new development accords with Kent County Council's Drainage Planning Policy Statement 2017.

This policy seeks to ensure that, within all new development, consideration is given at design stage to surface water run-off and integrated into the design of the scheme infrastructure – managing rain fall runoff to achieve the following:

- Greenfield development:- the new development should not have a runoff rate higher than compared to its greenfield rate.
- Brownfield development: discharge rates off the site should be reduced to green field rates where possible
- Policy CC3 and others within the Local Plan build in requirements to consider and plan for climate change.

In terms of street cleansing, each year the street cleansing contractor brings in additional staff at this time to deal with the autumnal leaf fall. Teams have been out since October working hard to remove leaf fall and keep drainage channels free.

However I would direct your wider questions about the maintenance of the drainage infrastructure to Southern Water and the Environment Agency.

SUPPLEMENTARY QUESTION:

Thank you for the information relating to new homes drainage. Please can I ask that additional pressure is put on KCC to clean the drains, get it in the diary for next year so that cleaning can take place earlier, you only have to

walk around Folkestone during heavy rain and drains are already getting blocked.

ANSWER:

It is always in my diary as I have been a victim of flooding myself. It is a crucial area and officers receive emails and calls re hotspots. If drains are blocked then there is a KKC reporting page which I would encourage residents to use. There was an issue in Blackbull Road area in that all the drainage lids were on the wrong way round this has now been corrected. KCC is the place to report blocked drains but if you are having problems then I am always happy to help.

14. From Councillor Meade to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

Given that community safety is the remit of this district council why was the decision taken some time ago to offload its CCTV responsibility to the town council, a body that can neither afford the responsibility nor should it have to bear it?

ANSWER

On 16th April 2014 Cabinet approved this transfer. Report No. C/13/102 refers to the full details. The resolution is shown below.

RESOLVED:

1. To receive and note report C/13/102.
2. To approve option 1 within the report – Transfer to Third Party (Folkestone Town Council), with payment of £145,000, to contribute to the provision of CCTV in Folkestone.
3. That the maintenance contract is novated and funded by Folkestone Town Council.
4. That the additional cost to the council of providing the service, pending transition to FTC, is met from existing budgets, for a period of no longer than three months.

The decision taken by Cabinet followed discussion and reports that went through a number of committees. The Resources and Scrutiny Committee met on 24.07.13 where report no. OS/13/05 was agreed. Community Overview Committee also met in October 2013 where report no. OS/13/10 was agreed.

Discussion had been ongoing with FTC because a decision had to be made on how the Council was going to go forward. Given coverage was for the Folkestone town area the role of FTC was a key consideration.

The option of decommissioning CCTV in its entirety was rejected by Cabinet and the option of transfer to FTC agreed due to the CCTV equipment being unfit for purpose. The reports set out the costs involved if the District Council were required to upgrade together with considerations such as future maintenance costs etc. The costs involved in a transfer to FTC was also set out. The latter option was agreed by all committees involved.

Provision of CCTV is not a statutory function. Working in partnership to address community safety is a statutory function and the District Council undertakes this through its arrangements with the Folkestone and Hythe Community Safety Partnership.

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This report will be made public on 10 December 2019

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **A/19/21**

To: Council
Date: 18 December 2019
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: APPOINTMENT OF AN INDEPENDENT PERSON UNDER THE LOCALISM ACT 2011

SUMMARY: This report sets out the Audit and Governance Committee recommendations on the appointment of Chris Harman, David Carter and Ken London as the Independent Members under s28(7) of the Localism Act 2011.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below in order to provide the council with independent members under s28(7) of the Localism Act 2011.

RECOMMENDATIONS:

1. To receive and note report A/19/21.
2. To appoint Chris Harman, David Carter and Ken London as the Independent Persons under s28(7) of the Localism Act 2011 for a term of four years.

1. INTRODUCTION

- 1.1 At its meeting of 30 July 2019 the Audit and Governance Committee resolved to:
1. To receive and note report AuG/19/02.
 2. To appoint two Independent Persons under the provisions of the S 27 (7) Localism Act 2011 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to advertise vacancies.
 3. To approve the person specification for the Independent Person contained in appendix 1 to this report.
- 1.2 Following the resolution the positions for Independent Persons was advertised and interviews arranged under s28(7) of the Localism Act 2011 and to make recommendations to council on the appointments.
- 1.3 A copy of the job description and person specification is attached as Appendix 1 to this report.

2. INDEPENDENT PERSON

- 2.1 The interviews were carried out on 27 November 2019 by members of the Audit and Governance Committee and the Committee recommends that Chris Harman, David Carter and Ken London be now appointed Independent Persons under s28(7) of the Localism Act 2011 for a term of four years by the Council.
- 2.2 Chris Harman's background starts with HR Director at district and unitary tiers and Head of HR for the Independent Television Commission. He has been a Chief Executive of a unitary authority, a consultant with the United Nations Public Administration Network and as a management and HR consultant within the public and private sectors. He has served as the Chair of the Independent Remuneration Panel for Folkestone and Hythe District Council. He is a resident in the district.
- 2.3 David Carter's background is a Customs Officer, dealing with international movement of people and goods at ports and airports, primarily in anti-smuggling role. He has worked for HMC&E's Training Services Division where he eventually took charge of the national training programme for all Customs uniformed staff. He has also served as a Magistrate and Justice of the Peace on the Southend-on-Sea and Rochford Bench. Mr Carter is a volunteer guide for National Trust at the South Foreland Lighthouse. Mr Carter served as Chairman of the Shepway Standards Committee until it was resolved in 2012. He is resident in the district.
- 2.4 Ken London's background is an engineer in the public and private sector. He worked as part of an investigation team dealing with insurance matters. Mr London was a member of the Kent Police Authority for ten years, a magistrate for 28 years which included being chairman of the Kent Courts' Board. Mr London is actively involved in two charities. He is a resident in the district.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal Officer's Comments

The legislation requires the appointment of at least two independent persons to be approved by a majority of the members of council.

3.2 Finance Officer's Comments

The service area has advised finance that any costs arising from this report can be met from existing budgets.

3.3 Diversities and Equalities Implications

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

Tel: 01303 853253

Email: amandeeep.khroud@folkestone-hythe.gov.uk

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

None

APPENDIX 1

Job Description and Person Specification

Introduction

In accordance with Section 28(7) of the Localism Act 2011 the Council is required to appoint up at least one Independent Person.

Descriptions of Duties and Functions

The role of the Independent Person(s) appointed by the Council will be:

1. To assist the Council generally in discharging its duty to promote and maintain high standards of conduct by Elected Members and Co-opted Members of Folkestone & Hythe District Council and the Town and Parish Councils in its area.
2. To advise the Monitoring Officer in connection with the assessment and post investigation stage of complaints against Elected and Co-opted members.
3. To advise the Audit and Governance Committee or any sub - committee in connection with complaints and potential sanctions where a failure to comply with a code of conduct has been established.
4. To advise their view, where sought, to an Elected or Co-Opted Member of Folkestone & Hythe District Council or a Town and Parish Council partially or wholly within its area who is the subject of an allegation that their behaviour has breached a Code of Conduct.
5. To reach balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
6. To advise the Council on any future adoption/revision of a Members' Code of Conduct.
7. To undertake any training arranged by the Monitoring Officer (or authorised representative) to enable the Independent Person(s) to perform their role effectively.
8. It is envisaged that the views of the Independent Person will normally be sought by the Council (through the Monitoring Officer or authorised representative) in writing, either by letter or email, or at a meeting organised for the purpose of seeking such views. Where the Independent Person's views have been sought in writing, either by letter or email, it is expected that the response will be provided in the same way. However, advice may be sought by telephone from time to time.
9. In reference to paragraph 4, the Independent Person(s) should not give advice to Members of the Council, or of the Town and Parish Councils, in circumstances where no complaint about a Member's conduct has been received. Where such advice is required, it should be sought by the Members of the Council, or of the Parish Councils, from, or via, the Monitoring Officer or his/her authorised representative.
10. The Independent Person will be selected from a list of appointees prepared following public advertisement; those persons will be expected to add the necessary element of independence and objectivity to the Committee's functions.
11. The person appointed as an Independent Person must:

- be committed to the need for high standards in public life
 - demonstrate that they can remain independent in their thinking and decision making
 - be able to make judgements based on evidence or information presented
 - have questioning skills
 - be assertive
 - be able to work within an area of public life which is open and transparent
12. The Independent Person will be expected to undertake some training by the Council in procedures and processes, especially monitoring and ensuring compliance with Codes of Conduct, Complaints Procedures, etc and where appropriate including case studies.
13. It is envisaged that meetings will normally be held in the daytime.
- (a) The Council will meet travel and subsistence expenses in accordance with its set rates. The provision of any other allowance is subject to review by the East Kent Joint Independent Remuneration Panel.
- (b) The Independent Person MUST NOT.^[1]
- (i) Be, or have been during the last 5 years, a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district; or
- (ii) A relative or a close friend of a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district.
- (iii) A person is defined by the Localism Act 2011 as a relative if they are:
- The spouse or civil partner or living as if they were a spouse or civil partner;
 - A grandparent;
 - A lineal descendant of a grandparent;
 - A parent, sibling or child;
 - The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or
 - Living with a grandparent, lineal descendant of a grandparent, or a parent, sibling or child as if they were a spouse or civil partner.
- of a member, co-opted member or officer of Folkestone & Hythe District Council or a Town or Parish Council within the district.

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This Report will be made public on 10 December 2019



Report Number **A/19/20**

To: Council
Date: 18 December 2019
Status: Non – executive decision
Responsible Officer: Tim Madden Corporate Director for Customer, Support, and Specialist Services

SUBJECT: APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND GOVERNANCE COMMITTEE

SUMMARY: This report sets out the recommendation of the Audit and Governance Committee that an independent member be appointed to that committee.

RECOMMENDATIONS:

1. To receive and note report A/19/20.
2. To appoint an independent member to the Audit and Governance Committee

1. BACKGROUND

- 1.1 On 4 December 2019 the Audit and Governance Committee considered report AuG/19/14 attached at appendix 1.
- 1.2 As will be seen the report set out CIPFA's Practical Guidance for Local Authorities and Police 2018.
- 1.3 The Committee were specifically requested to consider whether to recommend the appointment of an independent member to the committee.

2. RECOMMENDATION OF THE AUDIT AND GOVERNANCE COMMITTEE

- 2.1 The Committee did decide to recommend to Council that an independent member be appointed to the Committee. The part of the guidance setting out the advantages and pitfalls of having an independent member is reproduced in paragraph 4.3 of report AuG/19/14
- 2.2 Council is therefore asked to consider the recommendation of the Audit and Governance Committee.

3. RISK MANAGEMENT ISSUES

- 3.1 There no significant of risk management issues to consider as part of this report other than those identified in report AuG/19/14.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

These are set out in report AuG/19/14

4.2 Finance Officer's Comments (TM)

These are set out in report AuG/19/14

4.3 Diversities and Equalities Implications (TM)

There are no implications arising out of this report.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Tim Madden Corporate Director for Customer, Support, and Specialist Services
Telephone: 01303 853371

Email: tim.madden@folkestone-hythe.gov.uk

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

None

Appendices:

Appendix 1: report AuG/19/14 – Audit and Governance Committee – 4 December 2019

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APPENDIX 1

This Report will be made public on 26 November 2019



Report Number **AuG/19/14**

To: AUDIT AND GOVERNANCE COMMITTEE

Date: 4 December 2019

Status: Non – executive decision

Responsible Officer: Tim Madden Corporate Director for Customer, Support, and Specialist Services

SUBJECT: CIPFA'S PRACTICAL GUIDANCE FOR LOCAL AUTHORITIES AND POLICE, 2018 EDITION

SUMMARY: CIPFA'S practical guidance for local authorities and police, 2018 edition is set out. Certain actions are recommended and members' instructions are sought on the possibility of appointing an independent member to the committee.

RECOMMENDATIONS:

- 1. To receive and note report AuG/19/14**
- 2. To consider the self – assessment -appendix 2**
- 3. To consider whether to recommend to Council the appointment of an independent member to the committee**
- 4. If the committee does make a recommendation to Council to appoint an independent member and that recommendation is accepted to authorise the Corporate Director in consultation with the chairman of the Audit and Governance Committee to draw up a person specification and to advertise the position.**

1. BACKGROUND

- 1.1 CIPFA's Publication - Practical Guidance for Local Authorities and Police, 2018 Edition sets out its guidance on the function and operation of audit committees in local authorities and police bodies and represents CIPFA's view of best practice for audit committees in local authorities throughout the UK and for police audit committees in England and Wales. This publication incorporates CIPFA's Position Statement: Audit Committees in Local Authorities and Police (2018) ("the position Statement" – attached at Appendix) which sets out CIPFA's view of the role and functions of an audit committee and replaces the previous 2013 Position Statement.
- 1.2 Audit committees are a key component of an authority's governance framework and provide an independent and high level resource to support good governance and strong public financial management.
- 1.3 The purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. By overseeing internal and external audit, it makes an important contribution to ensuring that effective assurance arrangements are in place.
- 1.4 As a key component of an organisation's governance arrangements, the audit committee has the potential to be a valuable resource to the whole authority. Where they operate effectively, audit committees can add value by supporting improvement across a range of objectives including:
 - a. promoting the principle of good governance and their application to decision making;
 - b. raising awareness of the need for sound internal control as well as contributing to the development of an effective control environment;
 - c. supporting the establishment of arrangements for the governance and the management of risk;
 - d. advising on the adequacy of the assurance framework and considering whether assurance is deployed efficiently and effectively;
 - e. reinforcing the objectivity, importance and independence of internal audit and external audit and therefore the effectiveness of the audit functions;
 - f. supporting the development of robust arrangements for ensuring value for money; and
 - g. helping the authority to implement the values of ethical governance including effective arrangements for countering risks of fraud and corruption

2. KEY CHANGES IN THE PRACTICAL GUIDANCE

- 2.1 As stated above the last edition of the guidance was published in 2013. The revised and updated 2018 edition takes into account the development of audit committees since the original edition as well as incorporating the legislative changes that have affected the sector since 2013. It includes additional guidance and resources to support those acting as audit committee members in local authorities and those working with and supporting the committee's development.
- 2.2 The key changes contained within CIPFA's latest guidance relate to the following areas:
- a. inclusion of an independent member on the Committee;
 - b. additional guidance on how the Committee can oversee independence, objectivity and performance of Internal Audit and support the effectiveness of the internal audit process;
 - c. additional guidance on how the committee can support independence of the external auditor and monitor the external audit process.
- 2.3 CIPFA's latest guidance has also made some additions to the suggested terms of reference for Audit Committees. These relate to the role of the Committee in relation to:
- a. reviewing the governance and assurance arrangements for significant partnerships or collaborations;
 - b. considering any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit and to approve and periodically review safeguards to limit such impairments;
 - c. providing free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee;
 - d. supporting the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) and;
 - e. publishing an annual report on the work of the Committee.

3. SELF-ASSESSMENT OF GOOD PRACTICE & EVALUATION OF THE EFFECTIVENESS OF THE AUDIT COMMITTEE

- 3.1 CIPFA states that a good standard of performance against recommended practice together with a knowledgeable and experienced membership are essential requirements for delivering effectiveness. To this effect, CIPFA has provided a high level review checklist that incorporates the key principles set out in CIPFA's Position Statement: Audit Committees in Local Authorities and Police. The latest guidance includes some additional good practice questions to the previous CIPFA checklist (2013 edition). This checklist can be used to undertake a regular self-assessment to support the planning of Audit Committee work programmes and training plans. This self – assessment checklist is contained in appendix D of the guidance.
- 3.2 A self – assessment against the checklist is appended (2) together with a list of proposed actions for members' approval. Members' views are however sought on the question of whether or not to recommend the appointment of an independent member to the committee.

4. POSSIBLE APPOINTMENT OF INDEPENDENT MEMBER

- 4.1 The guidance in chapter 7 recommends that “those authorities, for whom it is not a requirement, actively explore the appointment of an independent member to the committee.”
- 4.2 An independent member would not be able to vote on matters where the committee makes a decision but will where it makes recommendations. Consequently where a recommendation is being made to council then the independent member would have a vote. This would include also non – audit functions e.g. some standards matters and as presently constituted recommendations on the Council's constitution.
- 4.3 The guidance has this to say about independent members:-

Good practice shows that co-option of independent members is beneficial to the audit committee. It is a requirement for police audit committees, English combined authorities and for local authorities in Wales, and it is usual practice for non-executives to be committee members in health and central government audit committees. The injection of an external view can often bring a new approach to committee discussions. Authorities that have chosen to recruit independent members have done so for a number of reasons:

- to bring additional knowledge and expertise to the committee
- to reinforce the political neutrality and independence of the committee
- to maintain continuity of committee membership where membership is affected by the electoral cycle.

There are some potential pitfalls to the use of independent members which should also be borne in mind:

- over-reliance on the independent members by other committee members can lead to a lack of engagement across the full committee

- lack of organisational knowledge or 'context' among the independent members when considering risk registers or audit reports
- effort is required from both independent members and officers/staff to establish an effective working relationship and establish appropriate protocols for briefings and access to information

4.4 Members are asked to decide whether they wish to recommend that an independent member is appointed to the committee. If the committee does decide to make such a recommendation and if the Council accepts it, delegated authority is sought for the Corporate Director for Customer, Support, and Specialist Services in consultation with the chairman to draw up a person specification and to advertise the position. It is envisaged that the appointment would be until the end of the current council (i.e. May 2023).

5. RISK MANAGEMENT ISSUES

5.1 There are no significant risk management issues to consider as part of this report other than those identified within the report.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (AK)

The general power in section 102 of the Local Government Act 1972 to appoint a Committee includes the power to appoint persons to that committee who are not members of the Council. However, by virtue of section 13 of the Local Government and Housing Act 1989 co-opted members are treated as non-voting members unless the committee is acting in an advisory capacity.

6.2 Finance Officer's Comments (TM)

There are no immediate financial implications arising out of this report. However, if an independent member is appointed, an allowance will need to be paid

6.3 Diversities and Equalities Implications (TM)

There are no implications arising out of this report.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Tim Madden Corporate Director for Customer, Support, and Specialist Services

Telephone: 01303 853371

Email: tim.madden@folkestone-hythe.gov.uk

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

CIPFA's Practical Guidance for Local Authorities and Police 2018 Edition

Appendices:

Appendix 1: CIPFA's Position Statement: Audit Committees in Local Authorities and Police

Appendix 2 Self-assessment of Good Practice

APPENDIX 1