

Public Document Pack

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 29 January 2020

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

Apologies for Absence: Councillors Danny Brook, Michelle Keutenius, Jim Martin, Ian Meyers and Stuart Peall.

Councillor Field also gave an apology for lateness.

(* for part of the meeting).

81. Declarations of Interest

There were no declarations of interest at the meeting.

82. Minutes

The minutes of the meeting held on 18 December 2019 were submitted, approved and signed by the Chairman.

83. Chairman's Communications

The Chairman reported on the following:

“On Sunday 12th Both Cllr Martin and I attended the Annual Blessing of the Sea in Margate where we were able to meet the new Bishop of Dover, The Right Reverend Rose Hudson -Wilkin. This event is organised by both the Greek Orthodox Church and Margate Town Council. As usually happens a procession proceeds to the sea edge and there a cross is thrown into the sea for a young boy to retrieve. This year there were three young boys all eager to do this, Needless to say they received a round of applause for braving the freezing water.

On Monday 13th we attended Fred Wood Brignall MBE Memorial service in Lydd. Fred was KCC member, Chairman of this Council 2001-2003 and longest serving Mayor of Lydd Town Council. He always attended the District Council Annual meetings and the Chairman’s receptions. It was good to see many Councillors from around the district in attendance. He was held in high esteem and will be sorely missed.

On Tuesday 27th I attended the 75th Anniversary Service of the Holocaust at the Methodist Church Sandgate Road. It was very well attended. Students from many of the local schools attended and read out some moving readings which they had researched and composed themselves.

A musical rendition was played on the violin accompanied by piano. This was composed by the students who played. After the Church service we were invited to the Garden of Remembrance where the Kaddish was read and stones for remembrance were placed on and around the memorial, after which we tasted various dishes from several countries, all beautifully prepared and cooked by the Students of Folkestone College”.

84. Petitions

There were no petitions at the meeting.

85. 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.

86. 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.

87. Announcements of the Leader of the Council

The Leader gave his announcements and stated that in September 2019, the Council had resolved to look at the governance arrangements of the Council, including whether to retain the existing Cabinet arrangements or introduce a committee system, or other system. During discussions at the Governance Working Group, it was apparent that such a change could not be implemented prior to May 2021. At that time, with the agreement of my Group, I offered the opposition leaders a place on my Cabinet. I am pleased to say that that process is underway and I will let the Leaders of the Groups talk about it. It compromises no-one, and the one rule that is insisted upon is that any decision the Group leaders make at Cabinet, they continue to support outside of Cabinet. However, group leaders would not be not bound if they did not make that decision. We recognise the diversity of the group of Councillors we have now, and 15 months is a long time to wait, so I think this is a very good way forward, and I am happy with the way it has been received.

The Leader of the Green group responded and thanked the Leader for this offer. She advised she had discussed this with her group, and wished to accept a place on Cabinet. She stated that she would be responsible for the portfolio of Environment, which would include the responsibility of Air Quality, and she would chair the Climate and Ecological Emergency Working Group, She stated that she was pleased that Hythe would have a voice on Cabinet. She added that this was not a coalition, but power sharing, and was a temporary situation, as she still supported the implementation of a Committee system.

The Leader of the Labour Group responded and stated that the proposal was unique, and as the Labour Group worked with the party on a local and national level, he was still in consultation with the National Group on accepting a position on Cabinet. He was however watching with interest.

The Leader of the Liberal Democrat Group responded and stated that in September, he had proposed that the Council move to a Committee system, because the current Cabinet arrangements did not include other groups. He felt it would be churlish to accept this offer, and added that the Committee system would still be the optimum preference, but he appreciated that this would be difficult to implement prior to 2021. He stated that the offer was ground breaking, and had not been done elsewhere in this format. He also added that it was not a coalition arrangement, and there would be times where the Cabinet Members disagreed, and times where they agreed and worked together. He stated that his portfolio would be Revenues and Benefits, and Anti-Fraud and Corruption, and he was keen to use the tools available within the benefits system to tackle homelessness.

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

RESOLVED:

That the announcements of the Leader be noted.

88. Opposition Business

There was no opposition business at the meeting.

89. Motions on Notice

There were no motions on notice.

90. Appointment of Chief Finance Officer (S151 Officer)

The report set out recommendations on the appointment of a Chief Finance officer (Section 151 Officer).

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

RESOLVED:

- 1. That report A/19/23 be received and noted.**
- 2. That Charlotte Spendley be appointed as Chief Finance Officer (s151 Officer) with effect from 30 January 2020 pursuant to s151 Local Government Act 1972.**

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

91. **Report to Council on a Key Decision made in accordance with the constitution's call-in and urgency rule.**

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.

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

RESOLVED:
That report A/19/22 be received and noted.

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

Council – 29 January 2020

Public Questions

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

How much money has been recovered from P & R Installation Company Ltd or its parent Company Bilby Plc for the overcharging to Folkestone & Hythe District Council, bearing in mind that there appeared to be a pattern of charging which was a systemic fraud by P & R?

AS MR RYLANDS WAS NOT PRESENT IN THE COUNCIL CHAMBER, THIS QUESTION FELL.

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

Could the Leader please advise which part of the District Council instructed the barrister to act on its behalf to defend the current Judicial Review claim for Princes Parade? Was this the Council's Head of Planning or was it the Council in its role as Land Owner/Developer?

ANSWER:

Thank you for your question. The Chief Planning Officer instructed the Legal Department to defend the Judicial Review claim in respect of Princes Parade.

SUPPLEMENTARY QUESTION:

Are you comfortable that the Chinese Wall principle is not being applied to the Princes Parade Project?

ANSWER:

We take great pains to make sure the Chinese Wall is operated at all times.

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

Numbers are increasing of Houses in Multi Occupation or HMO's. This type of housing is of poor quality with shared kitchen and other facilities. These types of housing create overcrowding, noise nuisance to neighbours and brings an area down. There is no proof that this type of housing is needed in Folkestone.

Why is this council allowing so many Housing in Multi Occupation or HMO's to be licensed and approved in Folkestone?

ANSWER:

Thank you for your question Cllr Mrs Lawes.

Your question seems to imply that all people in HMOs are antisocial which I am sure is not your intention.

When I was in my early 20s I was happy to share accommodation in order to make it affordable. About 22 years later one of my sons, whilst at Uni in Canterbury shared a home quite happily and jump forward to today where I have a granddaughter recently graduated who continues to share accommodation. Friendships were formed and whilst the exuberance of youth may create some noise disturbance from time to time, I would not agree that all HMOs create problems.

HMO licensing is a mandatory scheme set down by central government and all LAs have a duty to license HMOs which are occupied by five or more people who form two or more households and are sharing facilities such as bathrooms and /or kitchens. The purpose of licensing is to ensure that the properties are not overcrowded and there are clauses within the licence that the licence holder must adhere to regarding dealing with anti-social behaviour and general management of the property.

If members have concerns about specific properties where antisocial behaviour, poor condition or overcrowding is evident, please report these to the PSH team and we will investigate and enforce licence conditions where necessary. Or if we discover that they are not licensed when they should be, we can take appropriate action.

There is definitely a need for this type of accommodation in the district as there are lots of single people who cannot afford to rent a one bedroom flat or a house and therefore opt for sharing, which is more cost effective. There are many examples of good quality accommodation amongst our licensed HMOs and any properties found to be hazardous are dealt with through the Housing Act 2004 and working with the licence holder to improve them.

There has only been a slight increase in the number of licensed HMOs since 2018 due to the change in legislation which widened the criteria for an HMO to be licensable (in essence the government took away the "3 storeys" part of the criteria so that a property is licensable regardless of how many storeys high it is). In 2018 we had 7 new applications and in 2019 we had 6 new applications, however these were offset by 5 properties in 2018 and 4 in 2019 that no longer operate as HMOs and thus their licences were not renewed.

SUPPLEMENTARY QUESTION:

Is it not a reality that not only is this Council not doing anything to improve deprivation in the district, but is increasing deprivation with these HMO's? In fact, doesn't this let the council off the hook from delivering quality homes for people?

ANSWER:

Absolutely not, I've made it quite clear why we need HMO's and we are quite happy to support properly run HMO's. We just announced that we are going to increase our new build of council houses from 300 to 1200 over the next few years, and only yesterday the government announced more funding to help homeless people, and some of that will come our way, so I don't think we can be accused of not doing enough.

This page is intentionally left blank

Full Council – 29 January 20202

Councillor questions:

1. From Councillor Prater to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

The newly updated Public Space Protection Order came into force in June 2019 with a ban on unauthorised street fundraising and marketing (Chugging) in areas including Sandgate Road Precinct.

There are still however very regularly street fundraisers approaching people on behalf of a variety of campaigns across Folkestone, especially in the Sandgate Road Precinct.

Assuming these collections are being allowed as they have been authorised, who is the authorising body, how many have they authorised from June 2019 to date, and how can the public and enforcement agencies know which organisations are authorised and which are not.

ANSWER:

The new Public Space Protection Order which came into Force in June 2019 does not stop Street Fundraising and marketing (known as Chugging) it is an additional power the Local Authority and Kent Police can use to deal with unauthorised and anti-social street fundraising.

Currently the authorising body for Sandgate Road precinct is Folkestone Town Centre Management. Any street fundraisers and marketing companies who are not authorised by Folkestone Town Centre Management are asked to leave the area and to book in following the correct procedures. Every authorised company is provided with the Folkestone Town Centre Management code of conduct (attached with this email). This code of conduct must be adhered to at all times. Any reports received where there is evidence of a company not adhering to the code of conduct are spoken with and reminded of the code of conduct. Folkestone Town Centre Management at all times follows this up by speaking with the company management in regards to the employees.

Further associated behaviours that may cause intimidation or harassment can be dealt with through a verbal warning and/or the issuing of a FPN under the PSPO. The PSPO is enforced by authorised officers such as Environmental Enforcement, Kent Police and FHDC CSU. However contact will always be made in the first instance with Folkestone Town Centre Management to establish if the organisation in question has been given authorisation. This is through the close working partnership of the Folkestone & Hythe District Council Community Safety Unit and Folkestone Town Centre Management Officers. Through partnership working and multi-agency Ops such as OP Ariel there have been times when Officers such as PCSO's, Kent Police Town Team

and CSU have spoken with street fundraisers and marketing companies to make sure they are aware of the code of conduct and PSPO.

Since June 2019 - 8 organisations have been authorised for the Sandgate Road Precinct covering a period of 84 days throughout June 2019 – January 2020.

SUPPLEMENTARY QUESTION:

Would it be possible to discuss with Folkestone Town Centre Management the option of issuing authorisation cards to those who are authorised?

ANSWER:

I am happy to do that.

2. From Councillor Prater to Councillor Godfrey, Cabinet Member for Housing, Transport and special projects

An increasing number of local residents in Sandgate and West Folkestone are covered by a CPZ, and therefore many now have annual Residents Parking permits. At the annual renewal point for the permits however, a number of residents are saying that they have had no reminder to renew, and their permits are lapsing, leading to parking fines.

When a resident's CPZ permit is coming up for renewal, what is the reminder process for the renewal of that permit - how many letters and emails should a resident expect to receive to remind them to renew a permit, and over what period of time?

ANSWER:

There has been no change in the permit renewal process over the years. A reminder letter is sent 28 days prior to the expiry of the permit. No further reminders are sent but there is a 7 day grace period. Enforcement officers are instructed to only issue a penalty charge notice if a permit has expired for more than 7 days. However I have asked officers to look into the costs and practicalities of an additional email reminder and will report back on this

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

Do you agree that the proposed changes to building regulations on energy efficiency and CO2 emissions lack ambition, threaten councils democratic right to go 'above and beyond' minimum standards, and set benchmarks that could lead to lower insulation standards by dropping the 'Fabric Energy Efficiency Standard' and will you agree to respond to the consultation in detail,

making these points, as expanded on by, amongst others, the London Energy Transformation Initiative, CIBSE and the Good Homes Alliance?’
(For information: the link to the consultation is here:

<https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>)

ANSWER:

The current consultation seeks to introduce an interim standard. The consultation sets out further plans for research to follow from 2021 to 2023, with the government developing an evidence base from 2022 to 2023, learning from early examples of homes built to the interim standards. Further consultation will follow in 2024 before the final standard is introduced in 2025. This is clearly a developing area and the council will monitor.

From a planning policy point of view, at present there is no automatic right for local authorities to set higher standards; National Planning Practice Guidance says that policies in local plans should be realistic and the total cumulative cost of relevant policies should not undermine the deliverability of the plan. Policy requirements should be set at a level that takes account of all required contributions and standards and allows for the sites in the local plan to be deliverable. This can lead to challenges about viability at local plan examinations and in decisions on planning applications, and can create a trade-off between requirements for affordable housing, efficiency standards and infrastructure provision.

The government’s intention is to introduce a mandatory standard for energy efficiency in new homes that would apply nationwide, monitored and enforced through the building regulations regime. If set at the right level, this is something that could introduce certainty, help the construction of new homes, drive up efficiency and stop energy efficiency losing out to other demands in the planning process.

From a building control perspective feedback on the consultation would be provided via the national Local Authority Building Control organisation.

However, I do believe quite strongly that we should be able to set the standards, and I’m quite sure that in the future we will come up with a policy which allows us to do that.

SUPPLEMENTARY QUESTION:

Are you saying that we will not be responding to the consultation? I thought that was what had been agreed as part of the declaration of Climate emergency?

ANSWER:

In the near future, you will have a great deal of influence on what we do.

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

Why over the weekend of 18th and 19th January and the following days was SWEP (the Severe Weather Emergency Protocol) not put into operation in Folkestone, Hythe and Romney Marsh - despite temperatures falling below zero and other local authorities doing so?

ANSWER:

I am aware that you have had extensive conversations with officers, and are aware of the answer, but for the benefit of the rest of the chamber, under the provisions of the Council's SWEP, our severe weather arrangements to provide short-term emergency accommodation for people sleeping rough are implemented when the local air temperature is predicted to be 0 degree Celsius or less throughout the night time period (on any single night). We were the first authority to do this on a single night. The Council's officers refer to the local Met-office weather predictions for the local area in order to inform the decision as to whether or not the severe weather arrangements will be implemented. Over the weekend of 18th and 19th January, the information provided by the Met-Office on their website, stated that temperatures in the Folkestone and Hythe District were predicted to remain above freezing throughout the weekend and into the week commencing Monday 20th January. In view of this information, the severe weather arrangements were not implemented in this district, in line with the provision of the SWEP. Officers review the Met-Office information on a daily basis (including over the weekend period) to check whether or not SWEP should be implemented.

SUPPLEMENTARY QUESTION:

How do we address this, where there is a disconnect between the forecast and the reality?

ANSWER:

Unfortunately, there is no solution to varying temperatures in different part of the district. The answer is in homelessness prevention. That is what we are doing with our outreach services, and that is why we are grateful for the announcement yesterday about additional government funding.

5. From Councillor Davison to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

What suitable provision is there in Folkestone and Hythe district for women to breastfeed in public, that is free, hygienic and offers privacy if deemed necessary by the mother?

ANSWER:

Thank you for the question, however this is not something FHDC directly controls. Cllr Mrs Davison is asked to make contact directly with the health sector via the CCG under whom breast feeding services are covered and some elements are covered by KCC's Public health department.

The council welcomes any initiatives around this subject and understands that under the Equality Act 2010 businesses are duty bound not to discriminate against women wishing to breast feed but any provision is under their control and not the District Councils.

SUPPLEMENTARY QUESTION:

What can we do to support breastfeeding mothers, and local businesses in meeting their legal requirements?

ANSWER:

We are supportive of any charitable/voluntary organisations who are willing to be involved, and I certainly have supported a breast feeding clinic at the Caterpillar Children's centre.

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

This month saw the terrible closure of Folkestone's Debenhams. What plans are there to ensure that the building does not become a neglected eyesore on our high street?

ANSWER:

This is not just Folkestone affected, there are many stores in the country. The Council is working closely with the administrator for the Debenhams building in Folkestone, in order to take forward our proposals for interim uses for the building. We are also working with other partners on longer term plans, which will see the building remaining an important part of our town centre in the future. At this stage we are unable to reveal these plans but will do so in due course.

SUPPLEMENTARY QUESTION:

Are there any plans to do something to dress the windows of the building?

ANSWER:

I can tell you that a decision was made last week to dress all 34 windows, giving a timeline of what we plan to do.

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

How many responses have there been so far to the council's Play Area Strategy Consultation 2020-2030?

ANSWER:

As of 24/01/2020 the council have received 6 Consultation responses from organisations (Town & Parish Council's, Southern Housing Group & the Roger De Haan Charitable Trust respectively). In addition the council received 4 responses from members of the public.

Following someone unknown to the council attaching signs to play areas this past Friday we have received a further 45 public comments as of 27/01/2020. The signs state "This playground is on the list to be asset-stripped, closed and sold!". These signs have created a lot of bad feeling in the public and are contrary to the strategy, which aims to transfer these to town or parish councils with resources towards maintenance and refurbishment. If this cannot be accomplished following the consultation the parks may be returned to public open space.

SUPPLEMENTARY QUESTION:

Where towns and parishes don't take on strategically important parks, what will happen to them, and will the Council defer this?

ANSWER:

The Play Strategy is sensible, and tries to make major play areas for the District to manage, and asks towns and parishes to take responsibility for the smaller ones. Negotiations are ongoing, and this issue would be addressed at the relevant time.

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

At a time when the district council is considering clearing playgrounds because of funding pressures and many people in our district are struggling, why is it appropriate that council tax payers are being asked to take on responsibility for the maintenance of the arch at a cost of £6000 a year?

ANSWER:

I have already explained about the Play Area Strategy. We have just been through the 1914/18 WW1 commemoration, and it was decided by a group of Folkestonians that that event ought to be recognised in some major way, and when the soldiers returned home at the top of the slope, a wooden arch was put across, and that gave them an idea for a lasting commemoration, and they have done a wonderful job. They worked very hard, raising funding, and many organisations got on board to make this monument, which was recognised nationally. Our Chairman was one of the founders, as was Paul Embden who was awarded an MBE and Councillor Mrs Berry and was awarded the Points of the Light honour. To help get this funding, Cllr

Mrs Berry and a group of ladies manned the Mole Café down on the Harbour Arm for four years from 2014-18 every weekend and bank holiday to raise funds. They got customers to sign a journal, which has been transcribed and added to a website, which allows you to get a copy at a cost. We are also taking on the website, so there will be some money coming in. Do you really think that £6k a year is too much to pay for such an important monument? Should we stop maintaining Nelsons Column? I am flabbergasted that Folkestone Town Council did not want to take on this monument, and I suspect in the future they will reconsider this. I can't believe anyone would query that such an attraction to this town wasn't worth this amount.

SUPPLEMENTARY QUESTION:

What consultation took place with people of Folkestone, Hythe and Romney Marsh?

ANSWER:

I don't know.

9.From Councillor Keen to Councillor Godfrey, Cabinet Member for Housing, Transport and special projects

I have had a number of concerns raised by residents who live in the Tram Road/Tontine St area. These relate to the traffic hazards they face due to the change from one way traffic to two way traffic. Could we please be informed as a council as to the rational behind this move?

ANSWER:

This scheme was implemented by KCC after full consultations with Shepway District Council, Folkestone Town Council and residents in 2012. We were not involved in its implementation so would not wish to comment further and I would suggest you contact KCC directly.

SUPPLEMENTARY QUESTION:

The reason residents are concerned is due to the level of traffic, and the gridlock situation. A scrap metal company is parking its vans outside houses, adding to the congestion, and causing a bad smell. Is there anything that can be done to help our residents deal with this?

ANSWER:

I can fully understand these concerns and would ask that residents support these issues to KCC, and tell us about any issues.

URGENT QUESTION ASKED UNDER PART 4 (PARAGRAPH 10.3 OF THE CONSTITUTION)

10. From Councillor Davison to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

What urgent action is the district council taking after the shocking announcement yesterday that another GP surgery, Park Farm - which has over 3000 patients - is closing in Folkestone?

ANSWER:

The council was ONLY made aware about plans for Dr Banik to close Park Farm surgery by the end of March 2020, yesterday through the links we have with the CCG. We were informed that the CCG is making arrangements with surrounding GP surgeries to take on all of the affected patients and they will be sending out letters to patients explaining the process of re-registering with a local GP.

On hearing this news I immediately asked Jyotsna Leney to set-up a meeting with Dr Jonathan Bryant, clinical lead on the South Kent clinical commissioning group. Dr Bryant has presented to members before at Overview and Scrutiny meetings on the impact locally and what future planning is in process to address these issues.

I will ensure Members are kept informed as further information becomes available.

SUPPLEMENTARY QUESTION:

In these discussions, can we emphasise that people want clarity, and a clear timeline?

ANSWER:

I will ensure Members are kept updated.