



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **17 January 2023**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Overview and Scrutiny Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are 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.

Please note there are 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 3 - 4)**

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

Queries about the agenda? Need a different format?

Contact James Clapson – Tel: 01303 853267
Email: committee@folkestone-hythe.gov.uk or download from our
website: www.folkestone-hythe.gov.uk

3. **Minutes (Pages 5 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 8 November 2022.

4. **Minutes of the Finance and Performance Scrutiny Sub Committee (Pages 11 - 14)**

To consider and approve, as a correct record, the minutes of the meeting held on 6 December 2022.

5. **Housing Carbon Reduction Plan and HRA Business Plan**

Following on from the approval of the Housing Asset Management Strategy last year a presentation will be provided to Members that will consider the strategic priorities and themes of the Housing Carbon Reduction Plan and the HRA Business Plan.

6. **How the Council can assist Parish and Town Councils with legally moving on illegal encampments**

Following a Motion agreed by the Council on 30th November 2023, a presentation will be provided which will outline the ways in which the district council currently assists town and parish councils to respond to unauthorised encampments on their land. The presentation will cover the legislative basis for action and the support which the Council can provide.

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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Minutes

Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone.
Date	Tuesday, 8 November 2022.
Present	Councillors Miss Susan Carey, Peter Gane, Michelle Keutenius (Chairman), Connor McConville, Terence Mullard, Patricia Rolfe, Rebecca Shoob (Vice-Chair) and John Wing.
Apologies for Absence	None
Officers Present:	Simon Baxter (Chief Officer - Development), James Clapson (Case Officer (Committee)), Ewan Green (Director of Place), Jyotsna Leney (Health, Wellbeing and Partnership Senior Specialist), Susan Priest (Chief Executive), Jonathan Smith (Senior Accountant), Charlotte Spendley (Director of Corporate Services) and Brian Thompson (Interim Chief Financial Services Officer).
Others Present:	Andy Jarrett, Managing Director, Otterpool Park LLP, Mark Dodson, Head of Finance, Otterpool Park LLP. Councillor Clive Goddard and Councillor Lesley Whybrow.

1. **Declarations of Interest**

Business Plan 2023-24, as she is a Director of Otterpool Park LLP. She left the meeting for the consideration of this item.

Councillor Carey declared a voluntary interest in item 4, Otterpool Park LLP Business Plan 2023-24, as she represents the Council on the Otterpool Park LLP Board.

2. **Minutes**

The minutes of the meeting dated 6 September 2022 were agreed and signed by the Chairman.

3. Minutes of the Finance and Performance Scrutiny Sub Committee

The minutes of the meeting held on 11 October 2022 were agreed and signed by the Chairman.

4. Otterpool Park LLP Business Plan 2023-24

Councillor Shoob left the meeting for the duration of this item as she had declared a pecuniary interest in Otterpool Park LLP.

Mr Jarrett provided Members with a presentation on the strategic business plan that looked back at the progress achieved to date, and forward at plans for the future. The presentation detailed the key milestones and finances for Otterpool Park LLP (OP), and set out proposals for its future priorities. The presentation slides have been included with the minutes for reference.

During consideration of the item it was noted that:

- Early drafting was underway, and discussions were taking place with statutory agencies to help finalise the S106 agreements by June 2023.
- Health service provision should be considered at an early stage in the planning process. Discussions were taking place with GP practices.
- Although the economic environment was volatile, the project remained viable and had been expected to experience several recessions during its lifetime. A collaboration with Homes England would help to further strengthen OP's position.
- The recent legislative requirement to ensure that new building projects were nutrient neutral could be accommodated on the site. However this may have caused a problem for some projects in the district, leading to a reduction in the number of new buildings constructed in the area.
- The negotiations with Homes England would include an equalisation of assets agreement, it was likely that Homes England would have between 20% and 40% of the land.
- The discussions with Southeastern Railways about the extension of Westenhanger Station had been going very well.
- OP would produce a standalone document noting the changes to the Plan and financial forecasts.
- The Chancellor of the Exchequer's Autumn statement may help to provide some certainty going forward, and collaboration with Homes England would help to spread the risks faced by the project.
- OP currently had 13 full time equivalent positions, and would employ a commercial director in the near future. OP also used consultants who provided specialist knowledge.
- It should be publicised more that the project was to meet a housing need for local people.
- A lot of community based promotional work had taken place, and more was programmed for 2023.
- It was expected that the first house would be up for sale in 2025, however there were a number of milestones to be met along the way to

meet this target, and these milestones were often reliant upon the actions of third parties.

5. **Medium Term Financial Strategy**

Councillor Shoob returned to the meeting.

Ms Spendley provided Members with a presentation that covered the following areas:

- The budget setting process for 2023/24 and consultation process.
- An update on the local and national funding position.
- An update on the preparation of the Council's Medium Term Financial Strategy (MTFS).
- An outline of the process for council tax setting.

The slides have been attached to the minutes for reference.

During consideration of the item it was noted that:

- The Council's efforts to engage with residents about the budget had not seen many responses in the past. Suggestions on how to improve the consultation were welcomed.
- The opportunity for residents to participate in the consultation would be promoted in libraries, where residents could also use the onsite computers to take part.
- Thanks were offered to the finance team for their efforts.
- The MTFS had been recalculated several times over the last few months in response to global and national financial predictions. It was likely that further recalculations would be required before it was considered by Full Council in February 2023.
- Global and national financial volatility had led to increased uncertainty, this has been recognised in the risk management appraisal that will form part of the report considered by Full Council.
- A position statement will be produced following the Chancellor of the Exchequer's Autumn Statement.
- Three scenarios were modelled, a worst case, middle case and best case. They were based upon projections from the Bank of England and the Council's external financial advisors.

6. **Cost of Living Summit**

Councillor Godfrey, Cabinet Member for Housing and Special Projects, introduced the item on behalf of Councillor Hollingsbee, Deputy Leader and Cabinet Member for Communities, who was unable to attend the meeting. He advised that the summit had been well attended and successfully brought a number of key organisations together. He offered thanks to everyone who attended, and to the Officers who helped arrange the event.

During consideration of the item it was noted that:

- There were currently 17 warm spaces locations being developed in the district, and a link to a platform where warm spaces were being registered would be included in the 'Your District Today' publication.
- There was a small amount of funding available to help support the setup of warm spaces.
- Once the list of warm spaces had been finalised, the details would be publicised and circulated.
- It was suggested that the Green Doctors and a link to wellbeing support should be added in the leaflet.
- The Winter Well event, to be held on 12 November, was the next major event to take place following the summit.
- It could be useful to provide a date of publication or version number on the leaflet to ensure people had the latest version.
- Information on the Share the Warmth Campaign could be added, and details of some KCC initiatives such as the social tariffs for broadband, and opportunities to receive a computer could also be added.
- The Kent Support and Assistance Service (KSAS) was a KCC led household support scheme for vulnerable households in Kent who needed help due to rising energy costs. There needed to be effective signposting to the support that was already available.
- An application had been made to Government for an allocation of the UK Shared Prosperity Fund. The proposed use of the funding includes support for those most in need of assistance to make their homes as energy efficient as possible. This could be through initiatives such as boiler servicing, or the provision of energy efficient appliances.
- If Members had any Ward Grant spare, they could consider putting it towards one of the cost of living support initiatives.

Proposed by Councillor Keutenius
Seconded by Councillor Gane, and

RESOLVED:

That the Committee:

- Receive and note report OS/22/07
- Endorse the Cost-of-Living leaflet and the ongoing activity following the summit.

(The recommendation was agreed by affirmation of the meeting).

7. Closure of Footpath South of Seaview Bridge Petition

Mr Baxter introduced the item. He advised that Council had resolved, at its meeting on 28.9.2022, that the petition be referred to the Overview and Scrutiny Committee for their observations before deciding whether to examine the issues raised by the petition.

The wording of the petition was as follows:

'We, the undersigned, request that the path between the first bridge (Seaview Bridge) and the Tram Shelter remains accessible after work is completed daily and at weekends.'

Mr Baxter then provided Members with an overview of the planned work that would impact upon the footpath and explained why it was not possible to reopen the footpath while these works were underway. The presentation slides can be seen in the agenda pack for reference.

During consideration of the item, it was noted that:

- The footpath was currently open and would remain open until works commenced.
- The work was expected to take around 17 months. The contractor would minimise the amount of time that access to the seafront was restricted.
- Once the work was completed, there would be steps and a ramp that would provide disabled access to the seafront.
- During the construction, construction vehicles would pass over the footpath area, and the ground would be reprofiled. This excavation would destroy the delineation of the path. The path would not exist, and therefore it could not be reopened in the evening and at weekends.
- The footpath should remain open until the last possible moment, and residents should be given a reasonable amount of notice before the commencement of works and its closure.
- Consideration should be given to providing a nearby alternative tarmacked path to the seafront, while the footpath was unavailable.

Proposed by Councillor Mullard
Seconded by Councillor Carey; and

RESOLVED:

That the petition had been considered and the Committee felt that the closure must be implemented when works commenced.

(Voting: For 3; Against 0; Abstentions 5)

Following the Committee's resolution, the Chairman urged officers to ensure that residents were given timely notification if work was to commence on the site, leading to the closure of the footpath.

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Minutes

Finance and Performance Scrutiny Sub-Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 6 December 2022
Present	Councillors Peter Gane, Connor McConville (Chairman), Patricia Rolfe and Rebecca Shoob
Apologies for Absence	None
Officers Present:	James Clapson (Case Officer (Committee)), Gavin Edwards (Performance and Improvement Specialist), Leanne Knight (Finance Specialist), Jonathan Smith (Senior Accountant), Charlotte Spendley (Director of Corporate Services) and Brian Thompson (Interim Chief Financial Services Officer)

1. **Declarations of interest**

Councillor Rolfe and Councillor McConville both declared a DPI as they are directors of Oportunitas Ltd. A dispensation has been applied.

Councillor Shoob declared a DPI as she is a director of Otterpool Park LLP.

All members remained in the meeting, taking part in discussions and voting on all items.

2. **2022-23 Quarter 2 Performance Report**

Mr Edwards introduced the report that provided an update on the Council's performance for the second quarter of the year, from 1 July 2022 to 30 September 2022. The report enables the Council to assess progress against the approved key performance indicators (KPI) arising from the Council's Corporate Action Plan.

During consideration of the item, the following points were as noted:

- After the publication of the report, the percentage figure of household waste recycled during quarter two had been received and was 44.6%.

- Members thanked Mr Edwards for his report. He had incorporated a number of suggestions that were made at the last meeting and the report was now clearer and easier to understand.
- Compliance for the council housing stock gas and electrical safety certificates were 99.58% and 97.2% respectively. The contractors had been unable to access some of the properties to carry out inspections, and a process for gaining access has now been approved by the Council's legal team and the portfolio holder for Housing and Special Projects.
- Councillor McConville asked Mr Edwards to provide him with more information about the number of businesses signposted to support programmes. The number of referrals in quarter one seemed unusually high.

The Sub-Committee Members noted the report.
(Voting figures: 4 for, 0 against, 0 abstentions).

3. **Budget Strategy 2023/24**

Ms Spendley introduced the report that set the guidelines for preparing the 2023/24 Budget and drew Members attention the addendum that had been circulated. She advised that the addendum amended the tables in paragraph 8.9 and 8.10 of the report. These changes related to an increase in off-street and on-street income.

During consideration of the item, the following points were as noted:

- The parking team had calculated the estimated off-street parking income for 2023/24 based upon the proposed fees and charges rates and how busy the off-street car parks had been over the last two years.
- Councillor Rolfe asked for more information about the reduction in beach hut income. Ms Spendley offered to collate the information and respond after the meeting.
- The Hythe Swimming Pool income increase was because the pool had previously been non-operational during covid restrictions. The running costs of the pool would be closely monitored in light of rising energy charges. It was possible that there would be some support from Central Government to help mitigate these costs.
- All tiers of local authority were facing budgetary pressures. Regular conversations were taking place across the county between Chief Executives and Finance Officers to discuss options for the provision of services.
- The potential for Members to use their own IT equipment for Council business was in development, if this went ahead it could reduce the cost of providing IT equipment for Members.
- It was likely that some reserves would need to be used to fill the budget gap. Covid reserves could not be used for this purpose. There was a need to critically evaluate every opportunity to see what could be done to close the gap.

- The Council was looking at its assets to identify anything superfluous or inefficient. If an asset was sold it would generate a capital receipt; normally this could only be spent on other capital projects, however the Council currently a dispensation that allowed the receipts to be used on some other things, such as building enhancements or efficiency improvements.
- Officers were working on the Housing Revenue Account Business Plan that would be considered by the Sub-Committee at the meeting on 10 January 2023. The Government had recently announced a rent cap, and officers were meeting with external advisors shortly establish its impact for incorporation into the plan.
- The budget consultation would end on 1 February 2023. All the budget information should be collated into something easily digestible for the public.
- There needed to be more Enforcement Officers to tackle inappropriate car parking; particularly in town centres where businesses and residents would benefit from a better flow of traffic.
- A review of the Corporate Action Plan should involve members of the Sub-Committee.
- A discussion was needed with Folkestone Town Council regarding the provision of CCTV in the Leas Cliff Hall Car Park.

The Sub-Committee Members noted the report and made the following suggestions to Cabinet for consideration:

- The removal of the increase to Members Allowances of £61,000.
- The removal of the allocation of £20,000 for Members ICT provision.
- Fees and Charges:
 - The freezing of the charges for concession football pitch hire. (Officers should include an estimate how many sessions were forecast to be booked and what the loss of income from not increasing the fee to the amount stated in the schedule would be.)
 - The removal of cemetery fees and digging fees for children under 12 years old. (Officers should include an estimate of the cost resulting from the removal of these fees.)

(Voting figures: 3 for, 0 against, 1 abstention).

It was noted that although Members of the Committee agreed to note the report, this was not an endorsement of the budget.

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