



Agenda

Meeting: **Overview and Scrutiny Committee**
Date: **13 July 2022**
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.

Although social distancing measures have now ended, all attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

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:

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Email: committee@folkestone-hythe.gov.uk or download from our website
www.folkestone-hythe.gov.uk

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

3. **Call-in of decision number 22/015 - High Street Fund (Pages 5 - 20)**

Decision number 22/015 relating to the Folkestone and Hythe District High Street Fund has been called – in. This report sets out the call – in and requests the Overview and Scrutiny Committee to consider it in accordance with the council’s constitution.

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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This Report will be made public on 5 July 2022



Report Number **OS/22/02**

To: Overview and Scrutiny Committee
Date: 13 July 2022
Status: Non – executive decision
Cabinet Member: Councillor David Monk, Leader of the Council
Responsible Officer: Susan Priest, Chief Executive

SUBJECT: CALL – IN OF DECISION NO: 22/015 RELATING TO FOLKESTONE & HYTHE DISTRICT HIGH STREET FUND

SUMMARY: Decision number 22/015 relating to the Folkestone and Hythe District High Street Fund has been called – in. This report sets out the call – in and requests the Overview and Scrutiny Committee to consider it in accordance with the council’s constitution.

RECOMMENDATIONS:

1. To receive and note report OS/22/02.
2. To consider the call –in and to resolve what the committee’s conclusions are on it in accordance with the council’s constitution, as highlighted in paragraphs 2.1 and 2.2.

1. BACKGROUND

- 1.1 On Monday 20 June 2022, the Chief Executive (Head of Paid Service) determined that the call in of the decision made on 15 June 2022, numbered 22/015 was valid.
- 1.2 The decision relates an application recommended for approved funding via the Folkestone and Hythe High Street Fund initiative and gave confirmation for the grant award. The decision notice and accompanying report (C/22/15) is attached at Appendix 1.
- 1.3 The decision has been called in by Councillors Shoob, McConville and Fuller. The details of the call-in are set out at Appendix 2 to this report.

2. PROCEDURE

- 2.1 The meeting of the Overview and Scrutiny Committee is being held outside of the normal 10 day timeframe for a call-in, as set out in the constitution, as a reasonable adjustment agreed by all parties in order to accommodate annual leave.
- 2.2 The Committee, in accordance with the constitution, must consider the decision and the reasons for call-in. The Committee may invite the decision taker and a representative of those calling in the decision to attend the meeting to provide information.
- 2.2 The Committee may then come to one of the following conclusions:
 - a) That the challenge to the decision should be taken no further and the decision may be implemented.
 - b) That the decision is contrary to the policy or budget framework and should therefore be referred to the Council. In such a case the committee must set out its reasoning for the Council to consider.
 - c) That the matter should be referred back to the decision taker for reconsideration. In such a case the committee must set out its reasoning for the decision taker to consider.
- 2.3 Additional background information for Committee is provided as Appendix 3.
- 2.4 The Committee is therefore asked to consider the call – in.

3. RISK MANAGEMENT ISSUES

- 3.1 The risks are set out in report C/22/15.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments

These are set out in report C/22/15.

4.2 **Finance Officer's Comments**

These are set out in report C/22/15.

4.3 **Diversities and Equalities Implications**

These (if any) are set out in report C/22/15.

5. **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Jemma West – Committee Services Specialist
Telephone: 01303 853 369
Email: Jemma.west@folkestone-hythe.gov.uk

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

None.

Appendices

Appendix 1 - Decision number 22/015 and report No C/22/15.
Appendix 2 - Call – in form signed by three members.
Appendix 3 - The Looker Grant Application Assessment

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Request for call in to O&S Committee

1. Names of councillors requesting call-in:

Cllr Shoob

Cllr McConville

Cllr Fuller

2. Decision being objected to

Decision no. 22/015 (To receive and note C/22/15; To approve the recommended High Street Fund grant applications as summarised this report.). Regarding High Street Fund grant to The Looker Newspaper Ltd for £18,711.60.

3. Reasons for the call-in request

1. It specifies inadequate evidence on which to base the decision

- There was no formal disclosure of Cllr David Wimble's interest in the information supplied on which the panel was asked to base their decision.
- When queried with officers, documentary evidence of applicant's business funds appear to be absent.

2. It specifies insufficient consideration of the advice of the statutory officers

- The application was given a relatively low score by officers (13/25). Considering this was a grant application for a relatively large sum of money (£18,711.60) compared to most other awarded grants, the decision by the leader appears to have been given insufficient consideration of the advice of officers and exceptional circumstances do not appear to be evident.

4. Officers and members, the councillors calling in the matter, wish to hear from

Cllr Monk

Ewan Green

5. Matters that the councillors, who called in the decision, wish to ask questions on

- Processual matters including who sits on the panel, who attended the panel, when was the panel arranged, when did it take place and who was there.

- Processual matters relating to how declarations of interest are made on the high street applications. Was the information supplied sufficient for panel members to make both a practical and ethical decision?
- What scores have been given in the past to high street fund applications? What amounts are usually awarded? What constitute exceptional circumstances for more than 50% of match funding to be awarded?
- What other possible conflicts of interest, for instance political interest, arise in this particular instance? Were these considered and declared? Should they be?



DECISION NUMBER

22/015

Decision taken by: Councillor David Monk, Leader of the Council

Subject: **FOLKESTONE & HYTHE DISTRICT HIGH STREET FUND**

Key decision: No

Date decision taken: 15 June 2022

This report sets out the detail of applications recommended for approved funding via the Folkestone and Hythe High Street Fund initiative and seeks confirmation for the grant award

DECISION:

- 1. To receive and note Report C/22/15.**
 - 2. To approve the recommended High Street Fund grant applications as summarised this report.**
-

Reasons for decision:

The Leader is asked to agree to the recommendations of the Decision Panel on grant awards, because agreement is needed on these applications to the Folkestone & Hythe District High Streets Fund.

Alternative Options (if any)

None

Declarations or personal/prejudicial Interests:

None

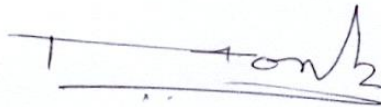
Background Documents:

None

The decision set out above (as amended if applicable) was made by me and I confirm that I have no personal or prejudicial interest in the matter.

Signed:

Date: 15 June 2022



Councillor David Monk, Leader of the Council

FOR OFFICE USE ONLY

Call-In and Implementation:

Call-In deadline: 5pm on Wednesday 22 June 2022

Implementation: Thursday 26 June 2022

FOR OFFICE USE ONLY

Decision Called-in: Yes No

If the decision is not called-in by the above deadline, it will be implemented on the date shown.

Call-in

Date of Review: 13 July 2023

Outcome of Call-in: Refer Back Refer to Council Implement

Authorisation to Implement Decision: _____
Head of Paid Service/Director

Date: _____

This report will be made public on 7 June 2022

Report Number **C/22/15**

To: Councillor David Monk, Leader of the Council
Date: 11 June 2022
Status: Non-Key Decision
Corporate Director: Ewan Green, Director of Place

SUBJECT: FOLKESTONE & HYTHE DISTRICT HIGH SREETS FUND

SUMMARY:

This report sets out the detail of applications recommended for approved funding via the Folkestone and Hythe High Street Fund initiative and seeks confirmation for the grant award.

REASONS FOR RECOMMENDATION:

The Leader is asked to agree to the recommendations of the Decision Panel on grant awards, as set out below, because agreement is needed on these applications to the Folkestone & Hythe District High Streets Fund.

RECOMMENDATIONS:

1. To receive and note Report C/22/15.
2. To approve the recommended High Street Fund grant applications as summarised this report.

1. INTRODUCTION

- 1.1. The Cabinet of Folkestone & Hythe District Council approved the mechanism for investing and managing the Folkestone & Hythe District High Streets Fund in September 2019 (Cabinet C/19/21), following agreement to establish this fund in February 2019 (Cabinet C/18/74). This is a £3 million fund earmarked reserves to support high streets across the district “looking to deal with a number of adverse pressures” in the current retail climate.

2. THE FOLKESTONE & HYTHE HIGH STREETS FUND (HSF)

- 2.1. The key uses of the District HSF are to (a) take forward major capital investments opportunities and other initiatives led by F&HDC to help transform Folkestone town centre, the largest town in the district; and to (b) provide contributory funding to external organisations to take forward initiatives to address issues and improve Folkestone and other key High Streets in the district.
- 2.2. Cabinet agreed to £2.2 million of District HSF being allocated to Folkestone town centre and the remaining £800,000 made available to ten other high streets across the district at Cheriton, Sandgate, Hythe, New Romney, Lydd, Hawkinge, Dymchurch, Elham, Lyminge and Sellindge.
- 2.3. The HSF provides grants of between £5,000 and £50,000 towards any individual project, and in normal circumstances this is expected to comprise a maximum of 50% of the total project cost. However, in exceptional circumstances, and at its discretion, the Council may award 100% of the funding for a project.
- 2.4. The types of organisations eligible for grant funding includes:
- Commercial property freehold owners or leaseholders with at least 5 years left on lease when the work is expected to be completed and permission for the works from the freeholder.
 - Town or Parish councils.
 - Other public organisations such as Folkestone Town Team CIC.
- 2.5. The types of projects eligible for grant funding includes, but is not limited to:
- External renovations or improvements to front elevations of buildings (areas visible from the high street), including repairs, repainting of shop fronts in suitable colours, signage, external lighting, or security glazing, repair of external stonework and brickwork and repair and reinstatement of guttering and down-pipes.
 - Internal ground floor fit-outs or conversion to commercial properties.
 - Improvements to the townscape, including the introduction of signage, new route ways, new public realm, such as art works or landscaping.
 - Introduction of technology and new innovative products, to support the development of commercial operations.
 - Initiatives and events to increase the vitality of the High Street.
 - Work towards developing a project to improve the vitality or physical environment of the High Street, as a precursor to a further application to the fund or other funding source.

2.6. The grant scheme was launched on 1st October 2019 and grant applications will be accepted at any time until the closure of the scheme. The scheme is expected to run until either 31st March 2023 or until funds have been allocated.

2.7. Applications received are assessed in the first instance by the Economic Development Team, with decisions on individual applications made by decision panels comprising the Leader of the Council, Councillor David Monk, the Lead Cabinet Member for the District Economy, Councillor David Wimble and a Councillor from the relevant high street ward.

3. APPLICATIONS RECEIVED

3.1. The table below lists the applications to the HSF that have been considered by the relevant decision panels and the following recommendations have been made to the Leader on the HSF grant award. Reasons for the recommendations are also summarised in the table below.

4. SUMMARY OF RECOMMENDED HIGH STREET FUND GRANTS

Name of applicant	Purpose of Grant	Relevant High Street	Recommended High Streets Fund Grant Award (up to)	Recommendations of the Decision Panel	Comments/ Conditions of grant award including
The Looker Newspaper Ltd	Refurbishment & fit out of new premises	Hythe	58% of total project capital works	£18,711.60	Award excludes any funding towards CCTV, W/C, basin, kitchenette. The Looker Newspaper Ltd is owned by FHDC Councillor David Wimble. This business interest was declared to officers. Panel members were made aware of this.

5. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's comments (NM)

There are no legal implications associated with the recommendations in this report. However, any grants that are made available to third parties by FHDC will need to be legally documented and the legal team can assist with this.

5.2.1 Finance Officer's comments (RH)

Due to previous year's carry forward being utilised for grant spend within 2021/22, the majority of the 2021/22 base budget is to be carried forward for further grants within 2022/23 (approximately £780k).

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer:-

Lorraine Smith, Senior Economic Development Specialist

Telephone: 01303 853274

Email: lorraine.smith@folkestone-hythe.gov.uk

Folkestone & Hythe High Streets Fund Application Scoring

PROJECT INFORMATION

Project Title	Sweet Memories of Hythe & The Kent Model Exchange (Application 0113)
Project Description	Fitting out of new premises
Applicant organisation	The Looker Newspaper Ltd
Organisation status/ type	Limited Company
Applicant contact details	Sarah White [REDACTED]
Project Address	106 High Street, Hythe CT21 5LE
The High Street	Hythe
Ward Councillors	
Total Project Cost	£32,400 £3,380 Laminate flooring £3,100 Shop signage £5,450 Stud Walling, dry lining £7,850 Re-wiring, including 2 ring mains & lighting £1,200 Heating (Electric) £1,400 Custom 12 foot shop counter £2,150 Sweet jar traditional adjustable storage shelving £1,050 Model railway racking display units x 10 at £105.00 each £1,450 Installation of toilet, basin & kitchenette £770 Alarm system & security CCTV £2,800 Lowered suspended ceiling £1,800 Staircase to basement for shop storage
FHHS Grant sought	£20,000 (61.73%)
Match funding source	Business funds

ELIGIBILITY CRITERIA

Location eligibility	Y/N	Y
Property eligibility	Y/N	Y
Are any permissions required for project	Y/N	N – applicant states no planning consents required
Are required Permissions in place	Y/N	N/A
Notes on required permissions	Applicant states permission granted by freeholder	
Match Funding availability	Y	

Match funding source	Business funds	
Status/Credibility of applicant organisation	Limited company	
Have quotes been provided for the work	Y/N	Y
State other information is provided to support grant requested	Business Plan, quotes	

SCORING CRITERIA

Partner Support/Business Demand		
Is there partner support for the project	Y/N	N – Details not given
Are letters of support provided	Y/N	N
Details of partner support	None provided	
Scoring criteria	1 No indication of any partner support/low business need 2 Application indicates support of 1 partner/medium business need 3 Application indicates support of 2+ partners/high business need 4 Project is identified in CCT Economic Plan 5 Project is identified in CCT Economic Plan and/or has letters of support from at least 3 organisations	Score 1
Project Plan		
Is a business plan for the project provided	Y/N	Y – Applicant looking to relocate to a larger premises within Hythe High Street to house Sweet Shop and expanding model railway business. Larger premises will allow more stock to be on display to customers.
Is a rationale given for the project in either the business plan or application	Y/N	Y – As above
Scoring criteria	1 No business plan or rationale for the project provided 2 Limited rationale provided 3 Sufficient rationale provided 4 A detailed rationale provided 5 A business plan is provided and the role of the project in supporting business growth/high street vitality explained	Score 4
Is a project sustainability plan provided or addressed in the business plan	Y/N	Y – Applicant states that the model railway business has grown rapidly, and with a larger premises allows further growth and thereby helping secure the business for the long term.
Is the sustainability of the project addressed in the application	Y/N	Y – As above
Strength of the long term sustainability for the project at funding ends	1 Sustainability of project not addressed or project unlikely to be sustainable beyond grant period	
		Score

	<p>2 Sustainability of the project will be limited to up to one year after grant period</p> <p>3 Sustainability of the project will continue for up to two years after grant period</p> <p>4 Sustainability of the project will continue for up to three years after grant period</p> <p>5 Project will have a major impact on the vitality of the high street and/or have wide community benefit</p>	3
Significance of the Project on the High Street		
What is the justification for the project?	Moving to a larger premises on Hythe High Street. The premises have been un-occupied for several years, so require refurbishment as well as fitting out to meet the needs of the business. Moving to larger premises facilitates further growth of the model railway business.	
What is the positive impact of the project?	Brings a High Street commercial premises back into use which has been empty for several years (though a smaller premises will become vacant but can be more easily occupied). Aids the business to grow further. Applicant has pledged to fill 3 full time & 2 part time jobs.	
Strength of the significance and positive impact on the high street	<p>1 Project will have limited impact on the high street, including because it is outside the eligible area</p> <p>2 Project will have small/limited benefits to the high street with few people benefiting from it</p> <p>3 Project will have a medium impact on the high street and/or will benefit a wide group in the community or those facing disadvantage</p> <p>4 Project will have a large impact on the high street</p> <p>5 Project will have a major impact on the vitality of the high street and/or have wide community benefit</p>	Score 3
Project's Value for money		
Comparison of the grant size request to the significance and positive impact of the project	The sum of £20,000 is being sought, this represents 62% of the total £32,400 project cost. Taken into account the reservations with regards to funding certain elements of the project (see scoring comments), this would appear to be value for money given it will bring a high street premises back into use which has been empty for 7 years.	
Strength of the Projects VfM	<p>1 Low value for money due to grant request above £20k, less than 20% match investment and/or limited impact on High Street</p> <p>2 Satisfactory value for money due to grant request above £20k, less than 50% match investment and/or limited benefit to the High Street</p> <p>3 Good value for money due to grant request under £50k, 50% or more match investment and/or medium positive impact on the High Street</p> <p>4 Very good value for money due to grant request under £50k, 50% or more match investment and high or medium positive impact on the High Street</p> <p>5 Excellent value for money due to grant request under £50k, 50% or more match investment and project will have a major positive impact on the High Street</p>	Score 2
SCORING COMMENTS	The applicant runs a sweet shop and model railway business from a premises on Hythe high Street. Due to the growth of the model railway business, the applicant is planning to move to a larger premises also on Hythe High Street, which has stood empty for several years. This will help the business expand further, and as part of this the applicant has pledged to fulfil 3 full time & 2 part time jobs in larger premises.	

	<p>The sum of £20,000 is being sought, which represents 62% of the £32,400 project total. The project includes interior works to the premises, external shop signage and window graphics, and interior shop display fixtures.</p> <p>In the interests of consistency, consideration needs to be given as to whether to provide funding towards the following aspects of the project:</p> <ul style="list-style-type: none"> • Installation of toilet, kitchenette & basin (£1,450) – As this is not a café/ eatery, it is likely that these facilities will generally only be used by staff although the applicant has stated both food (sweets and confectionary) and drinks will be on offer within the premises (funding was declined for similar recently) within a Folkestone application. • Alarm System & Security CCTV (£770) – CCTV within Hythe is the responsibility of Hythe Town Council (funding towards CCTV for another Hythe High Street business was declined on this basis). The applicant advises that this will also be linked to a burglar alarm system. <p>If funding excludes the WC/ kitchenette/ basin and CCTV system, the requested 62% would mean a grant award of £18,711.60 (58% of entire project cost).</p> <p>If the above elements are excluded and funding is awarded at the normal 50%, the sum will be £15,090 (47% of entire project cost).</p>
TOTAL PROJECT SCORE Maximum potential score = 25	13

RECOMMENDATIONS OF PANEL

Agree	
Agree in principle	
Reject	

PANEL DETAILS

Names of Panel members	
Date of Panel meeting	