

Public Document Pack

SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 20 July 2016

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

Apologies for Absence: Councillors Michael Lyons and Dick Pascoe

126. Declarations of interest

There were no declarations of interest.

127. Minutes

The minutes of the meeting held on 16 March 2016 were submitted, approved as a correct record and signed by the Chairman.

128. Chairman's communications

The Chairman reported that since the last Full Council Meeting so much has happened in this Country and around the world: The EU referendum and the issues following this, numerous tragic incidents across the world and because of these tragic events she felt it was better to focus on the good.

The Chairman started by focussing on the stories of excellence in the district namely the achievement of three students from East Kent College who were achieving excellence. She introduced the students to allow the Council to congratulate them.

The Chairman went on to tell the Council about musical excellence in the District and informed of her attendance at 6 musical event:

- The fabulous Band of the Brigade of Gurkhas Military Concert
- The very first Sandgate Musical Festival
- A lovely performance of Rossini by the Folkestone Choral Society which was held in St Leonards church, Hythe.
- Hythe Canal Concert – a musical extravaganza provided by a Concert Brass Band, the Shorncliffe Military Wives Choir, The Medway Town Band, The Railway Swing Band which was held along the Military Canal.
- Jam on the Marsh, curated by the internationally renowned composer Paul.
- Folkestone & Hythe Orchestral Summer Concert.

She finished by saying all these musical events, some professional and some amateur, mostly put on by volunteers is the level of excellence in their performance. She suggested other members look for these events across the District.

129. **Petitions**

There were no petitions.

130. **Questions from the public**

Questions asked by members of the public and the answers given, including supplementary questions, are set out in schedule 1 to these minutes.

131. **Questions from councillors**

Questions asked by councillors and the answers given, including supplementary questions are set out in schedule 2 to these minutes.

132. **Announcements of the Leader of the Council**

The Leader of the Council, David Monk welcomed everyone to the meeting and began by talking about the Otterpool Park project.

He highlighted that the chance to masterplan the District's housing and employment requirements for the next thirty years plus is a singular opportunity not to be missed, flagging that it has come about by a unique series of events that has enabled us to, in collaboration with the owners of Folkestone Racecourse, assemble a significant area of land and respond to an invitation from central government to submit a bid for a Garden Settlement.

He explained that the Council's bid is encompassed in an Expression of Interest document and is for a Garden Town with capacity of up to 12,000 homes and 85 hectares of employment land. The Expression of Interest document will be available online from tomorrow morning.

The Leader explained that as the Council is both the landowner and the planning authority it is important that, in the interest of transparency, these two internal functions are split.

The Chief Executive has identified Susan Priest to lead the planning side and Jeremy Chambers to lead the land owner side. He explained that to facilitate this from the Executive he had relinquished responsibility for planning policy to Cllr John Collier and land ownership issues in the Otterpool Park project area to Cllr Phillip Martin.

The Leader stressed how important the ability to masterplan this project is; without it there the identified area of search will be the subject of many piecemeal planning applications, none of which will provide the level of control over coordinated garden design principles, infrastructure, public realm improvements and housing mix. He highlighted that full engagement of residents will be undertaken across the district and their suggestions will be considered as the project progresses. Study tours to other housing projects to see both the best and the worst of what is around will be organised.

The Leader also announced that the Council will be, following consultation with Port Lympne Wild Animal Park, investigating the case for building a superior and complementary holiday village on land near to Otterpool Park thereby enhancing the District's tourism offer.

Finally he said that the Otterpool Park project is of such strategic importance to Council that even if the Government does not support our Expression of Interest we will still proceed with the project albeit it would take longer to implement.

Proposed by Councillor David Monk
Seconded by Councillor Rory Love and

RESOLVED: That the Leader's report be received and noted.

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

133. **Opposition business**

There was no opposition business.

134. **Changes to Committee Membership**

Report A/16/12 Under the Shepway District Council Constitution, Part 8.1 'Delegation to Officers', paragraph 3.16, the Head of Paid Service is authorised to make appointments to committees or sub-committees at the request of the relevant political group leader. This report sets out the appointments made, under these powers, at the request of the Leader of the Council, since the last Council meeting.

Proposed by Councillor David Monk
Seconded by Councillor Rory Love and

Resolved:

1. To receive and note report A/16/12.

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

135. Update to the General Fund Capital Programme

Report A/16/15 proposes an update the General Fund capital programme to include the Coronation Parade coast protection works scheme and the Hythe Pool essential enhancements scheme. Both schemes were considered and endorsed by Cabinet on 30 June 2016 and the council's Constitution now requires formal budget approval by Full Council.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Alan Ewart-James and

Resolved:

- 1. To receive and note report A/16/15.**
- 2. To approve the changes to the General Fund capital programme set out in this report.**

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

136. Annual Scrutiny Programme 2016-17

Report A/16/13 presents recommendations for the work programme for the overview and scrutiny committee for 2016/17.

It was noted that fly tipping was not shown as an individual item but this will be picked up through the Environmental enforcement review.

Proposed by Councillor Peter Gane
Seconded by Councillor Mrs Claire Jeffrey and

Resolved:

- 1. To receive and note report A/16/13.**
- 2. To approve the annual scrutiny work programme for 2016-17 attached to this report.**

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

137. Community Infrastructure Levy (CIL): Adoption of the Council's CIL Charging Schedule

Report A/16/16: The Community Infrastructure Levy (CIL) Regulations (2010) as amended, outlines the process for establishing a CIL scheme in an area.

At its meeting of 8th July 2015, following two rounds of public consultation, Cabinet approved submission of a CIL draft Charging Schedule, for Independent Examination in Public (EIP). The Inspector's March 2016

report on the EIP concluded that the SDC CIL Charging Schedule provides an appropriate basis for the collection of the levy in the District.

Cabinet subsequently considered the outcome of the EIP at its meeting of 25th May 2016, and as per the requirements of the Government's CIL Regulations, agreed a recommendation to submit the CIL Charging Schedule for adoption by Council at its meeting of 20th July.

Proposed by Councillor John Collier
Seconded by Councillor Rory Love and

Resolved:

- 1. To receive and note Report A/16/16.**
- 2. To note the findings of the Inspector's report on the Council's CIL Draft Charging Schedule.**
- 3. To adopt the Council's CIL Charging Schedule and set a commencement date for the collection of CIL from the 1st August 2016.**
- 4. To adopt the final drafts of the Regulation 123 list, CIL Instalments Policy, and CIL Discretionary Payments in Kind Policy.**

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

138. Exploring the merger of the five East Kent Councils

Report A/16/14 seeks approval in principle, based on the jointly agreed Statement of Intent attached as Appendix 1, to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet. This is in response to financial challenges facing local government and the opportunity to drive improvements and growth in the East Kent area.

Council is therefore asked to consider the information provided within the report:

- a) To approve the Statement of Intent; and
- b) To commission the production of a Business Case in order to further explore the possibility of merging the five East Kent districts. The Business Case will be brought back to each Council for formal consideration.

Proposed by Councillor David Monk
Seconded by Councillor Alan Ewart-James and

Resolved:

- 1. To receive and note Report A/16/14.**
- 2. To consider and approve the Statement of Intent (outlined in Appendix 1);**

3. **Agree to the recommendation that the five councils explore the merger of the East Kent district councils based on the following arrangements:**
 - a) **That the Chief Executives of the councils jointly commission work to prepare a Business Case to examine the advantages, disadvantages and potential mechanism of a merger of the five East Kent district councils;**
 - b) **The provision of up to £20,000 funding, from each council, to support the preparation of the Business Case (background information is provided in Appendix 2 for developing the draft Business Case).**
 - c) **The delegation to the Councils' Chief Executives, in consultation with the Leaders to agree the specification and management of the Business Case**
4. **If recommendations 2 and 3 are agreed, for each Council to raise specific points and issues they would like to be considered as part of the specification of work to be covered by the Business Case.**
5. **That the final version of the Business Case should be reported back to each council once completed before any formal commitment is made to any further decisions or process.**

(Voting: For 24; Against 0; Abstentions 2)

139. **Motions on notice**

Proposed by Councillor Mrs Mary Lawes
Seconded by Councillor Suzy Govett

"To stop planning applications allowing homes to be turned into bedsits and flats (especially in Harbour Ward, including some streets in East Ward).

To reduce overcrowded living conditions and to reduce the ill health of residents and to stop areas becoming slums".

Councillor John Collier as Cabinet Member for the District Economy welcomed the opportunity to visit and walk around Harbour Ward with Councillor Mrs Mary Lawes and to speak with officers with a view to seek and manage/control loss of private houses within the planning controls.

Proposed by Councillor John Collier
Seconded by Councillor Alan Ewart-James

"In considering Places and Policies Local Plan that there is local provision made to improve the standard of residential communities".

As the motion put forward was not clear as a replacement or amendment it was WITHDRAWN.

AMENDMENT:

Proposed by Councillor Mrs Suzie Govett
Seconded by Councillor Mrs Mary Lawes

“To review planning policy which allows homes to be changed into bedsits and flats”.

(Voting: For 3; Against 20; Abstentions 4)

The amendment was LOST.

In considering the original motion proposed Councillor Mrs Mary Lawes and seconded by Councillor Suzie Govett the voting was as follows:

(Voting: For 3; Against 20; Abstentions 4)

The motion was LOST.

This page is intentionally left blank

Council – 20 July 2016

QUESTION 1

From Mr J W Kitson to Councillor Stuart Peall, Cabinet Member for the Environment

Why do so many Councillors continue to say how wonderful Folkestone is? And claim new development – few of which exist and claim how clean the area is when most streets are disgusting!

ANSWER:

Whilst I am unable to answer the first part of the question with regard to development in response to the highlighted text.

The Environmental Protection Act 1990 imposes duties under section 89(1) and (2) on certain landowners and occupiers to keep specified land clear of litter and refuse and in addition on local authorities to keep public highways clean.

Shepway District Council is the principle litter authority and is duty bound to keep land within acceptable cleanliness standards. The emphasis is on the consistent and appropriate management of an area to keep it clean and not on how often it is cleaned.

We work with local groups such as The Dover Road Association, Central Gardens residents group and with the Town Sprucer, to understand the issues presented on a daily basis. We work together to improve the environment and to look at ways to overcome the social challenges of dropped litter, fly tipping and waste placed out early in the Folkestone area.

Under the communities team officers have been involved in litter picks and clean ups across the District including work with the Princes Trust and National Citizenship service involving young people. Other examples include Clean for the Queen that involved a Ghurkha regiment.

There are ward walkabouts planned with Councillors and enforcement officers.

Enforcement officers patrol areas across Shepway on a daily basis.

For dog control work some of the FPNs issues are shown below:

Year	No. Of FPN's	Value
2013	6	£390
2014	11	£660
2015	17	£790
2016	18	£930

For Patrol hours and other data some recent statistics are provided below:

Fixed Penalty Notices

FPN Type	April 2016	May 2016
Cigarette	1	1

Dog Off Lead – Designated area	3	
Failure to remove dog faeces	2	1
Litter Clearing Notice	1	1

Officer Patrols April 2016

Area	Total Time Spent
	255
Area A: Folkestone East /Sunny Sands	31
Area B: Folkestone Central/Mermaid Beach	56
Area C: Folkestone West/Sandgate/The Esplanade/Cheriton	38
Area D: Hawkinge	18
Area E: Hythe/Beach Adj to Fisherman's Beach/Murco Garage	32
Area F: Dymchurch/Dymchurch Beach/St Mary's Bay Beach	27
Area G: New Romney/Littlestone/Greatstone Beaches	8
Area H: Lydd	7
Area I: Other	38
Total Hours	255

Officer Patrols May 2016

Area	Total Time Spent
	239
Area A: Folkestone East /Sunny Sands	31
Area B: Folkestone Central/Mermaid Beach	79
Area C: Folkestone West/Sandgate/The Esplanade/Cheriton	21
Area D: Hawkinge	18
Area E: Hythe/Beach Adj to Fisherman's Beach/Murco Garage	37
Area F: Dymchurch/Dymchurch Beach/St Mary's Bay Beach	11
Area G: New Romney/Littlestone/Greatstone Beaches	9
Area H: Lydd	4
Area I: Other	29
Total Hours	239

Stray Dogs

Type	April 2016	May 2016
Dogs Returned to Owner	5	5
Not Claimed	2	4
Completed	7	10
Total	14	19

Just in the last month 3 Flytipping prosecution files have been prepared and statements for court are being undertaken by relevant officers to present to court.

There is a specific initiative in Dover Rd where officers are targeting problematic households with a range of education advice and initiatives including extra cleansing regimes and more enforcement as well as looking at appropriate bin storage.

Complaints around waste out early overflowing bins etc are dealt with on a daily basis and additional cleansing undertaken as appropriate

Veolia UK is contracted to this authority to ensure that these standards are maintained, however should you feel that these standards are not being met in a particular road or area please report it through our website www.shepway.gov.uk and selecting 'report a problem' or by telephoning 01303 858660.

Cllr Stuart Peall as the Cabinet Member for the Environment would be happy to meet and discuss any issues that you may have with the cleanliness of streets in Folkestone.

QUESTION 2

From Mr Bryan Rylands to Councillor David Monk, Leader of the Council

How many times has any officer of SDC or Cllr met with or communicated with any representative of Arena Racing Corporation up to and including the 20th July.

ANSWER:

There is no one record of the number of meetings with Arena Racing Corporation and to try to establish the number of such meetings over the years is not possible. In addition the council does not keep a note of how many telephone conversations, if any, there have been. The council's IT system does show that 397 emails were sent or received up to and including 20 July.

Supplementary Question:

Will you be able to inform of the number of telephone conversations and emails for the coming year from 21 July 2016?

ANSWER:

This will not be possible to do.

QUESTION 3

From Mr Graham Corr to Councillor David Monk, Leader of the Council

What is the total spend and underspend for all s106 agreements between 2010 and June 30th 2016?

ANSWER:

For the period from 1st January 2010 to 30th June 2016 total payments of £1,887,404 have been made from S106 sums already held or received by the council.

At 30th June 2016 the council held £1,881,988 in unapplied S106 receipts.

Supplementary Question:

How many s106 agreements have been entered into between the years 2010 and 2016?

ANSWER:

A written answer would be provided.

COUNCIL – 20 JULY 2016

Councillor questions:

1. **By Councillor Mrs Suzie Govett of Councillor David Monk, Leader of the Council**

Does the Leader feel that it's morally acceptable for the Chief Executive to spend £320 on lunch with the Transport Secretary?

ANSWER: The Chief Executive, on behalf of the Council, paid for a lunch with the Secretary of State and three of his staff, together with a representative from KCC and myself, 7 in total to discuss to discuss local transport issues, including the railway line, and the impact of Operation Stack and illegal overnight lorry parking on local roads. It was also an opportunity to show the secretary of state, whilst lunching at one of the Districts prestigious restaurants a view of the harbour.

It was a productive meeting and excellent value which also allowed the to show what the district can offer.

Supplementary Question:

If the Council offers hospitality then can draft guidelines for provision of hospitality and venues be made so that tax payers have peace of mind?

ANSWER: The Council has managed without guidelines so far. I am happy for this to be referred to the appropriate committee.

2. **By Councillor Peter Gane of Councillor John Collier, Cabinet Member for District Economy**

Would the Cabinet member for planning please confirm that for the economic benefit to the district for tourism and job creation, that Shepway Council should adhere to the original masterplan for Shorncliffe and involve White Cliffs and the Shorncliffe Trust in managing the land and not manage the land themselves.

ANSWER: The interim management plan for the Backdoor Training area was formally submitted to Shepway District Council Planning on Monday 11th July and is receiving consideration.

Supplementary Question:

Can the Council have reassurance that the White Cliffs and Shorncliffe Trust be kept up to date.

ANSWER: Yes.

3. By Councillor Damon Robinson of Councillor Alan Ewart-James, Cabinet Member for Housing

How many residents of Shepway, at present, are on the Social Housing List comprising of Categories “A” “B”& “C”?

ANSWER: Number of households on the housing list as at 30 June 2016 - 1520 of which;

Band A	53
Band B	384
Band C	643

These are all applicants on the Shepway Housing list in Band A to Band C.

Supplementary Question:

Could the Cabinet Member confirm, in light of the EU referendum, if housing has been offered to refugees to the detriment of local people?

ANSWER: Not that I am aware.

4. By Councillor Mrs Mary Lawes of Councillor David Monk, Leader of the Council

Councillor Monk had previously stated that there was no difference in costs between building a Leisure centre at Nickolls Quarry and Princes Parade.

Please can I have a breakdown of costs carried out by Shepway District Council on Nickolls Quarry & Princes Parade?

ANSWER: I recall Cllr Lawes asked a very similar question at the Council meeting of 16th March. At that time I advised her that, “*The costs of developing a Recreation Centre have not been compared in the way that the question implies.*” I also directed her to all of the appropriate background reports on the subject.

I have nothing to add on that matter and the Council is focussed on preparing a planning application for a new recreation centre and other uses at Princes Parade. It is intended to submit the planning application in November, following consideration of the detail and nature of the application by Cabinet.

Supplementary Question:

Could the Leader confirm I will be provided with the paperwork I have requested?

ANSWER: If we have it, you can have it.

5. By Councillor Mrs Mary Lawes of Councillor David Monk, Leader of the Council

Why did Shepway District Council commit to maintaining the Playground at Sothern way in Harbour Ward but fail to meet that commitment?

ANSWER: We are committed to maintaining the Playground at Southern Way; Grassed areas are cut on a monthly schedule, 8 times a year, and the trees are re-staked and tied on a regular basis.

The Monster Play Rock and Cross Seesaw have recently had new bushes fitted and the wet-pour safety surface around the Wicksteed roundabout, which is continually being torn up through misuse, is due to be repaired later this week.

Replacement swing hangers are being sought to repair the flat swing set; This process has been delayed as the original manufactures, Monster Play, no longer provide maintenance or parts to the UK. Please be assured that as soon as suitable replacement parts are obtained they will be fitted without delay.

Supplementary Question:

Could the Leader confirm that this will be done?

ANSWER: Once the Council has located the correct size then they will be fitted.

6. By Councillor Mrs Carol Sacre to Councillor David Monk, Leader of the Council

Is the provision of public toilets in the bus station, which serves Folkestone, part of the original planning conditions and how can we ensure that these public toilets are fully operational?

ANSWER: There was a condition on the permission Y04/0416/SH for the shopping centre, requiring them to construct toilets and make them available for public use in accordance with a management plan which was approved.

The Management Company decided to close the toilets in 2014 due to anti-social behaviour and excessive vandalism. At this point we do not believe this was approved by Shepway District Council.

SDC planning officers will investigate the planning condition further. Discussions have taken place with Folkestone Town Council who have shown an interest in reopening and maintaining the toilets.

Supplementary Question:

Has the Council considered using offenders on probation to maintain and repair the toilets?

ANSWER: Whilst well intentioned, this is unlikely to be practicable and it is far better to have control.