

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 25 September 2019

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

Apologies for Absence: Councillors Ray Field

35. Declarations of Interest

Councillor Meade made a voluntary declaration in respect of minute number 42 (opposition business), in that she was a contractor who was not currently under IR35.

36. Minutes

The Chairman advised on an error in the minutes which has been corrected. Under minute number 32, the resolution had been amended with the word 'motion'; being replaced with the word 'business'.

The amended minutes of the meeting held on 24 July 2019 were submitted, approved and signed by the Chairman.

37. Chairman's Communications

The Chairman made the following announcements:

"Since the last meeting of full Council the Deputy Chairman and I have attended several engagements.

Because of the amount of business on tonight's Agenda I will just highlight a few.

Hythe Venetian Fete Wednesday 21 August - A great event organised by the Hythe Venetian Fete Society. As always, a Wonderful Spectacular. I have been asked by the Chairman of Hythe Venetian Society, Steven Way, to pass on his thanks to all of the people involved. District Council Officers, Grounds men and Marshalls etc for the great service they provided to help make the event run so smoothly.

Classic Car Rally 26 August - On The Leas. It was a brilliant sunny day, for what is always a great event for the Town, with many travelling great distances to be part of the annual event.

The Folkestone Dover and Hythe Samaritans 4th September - We were invited to an open evening of which many of our Councillors attended. After the initial welcome we were taken in small groups for a talk on how the Samaritans work and the many thousands of people who contact them. Whilst there we could see through a glass partition, two volunteers talking on the phone, the privacy of the conversations is absolute and are never divulged. There are always at least two people on duty 24 hours a day doing shifts. They would be pleased to engage with anyone who has a few hours to spare and wishes to volunteer for this very important work.

Installation 9 September of full time Priest at St Peters Church on the Durlocks - After a lengthy Interregnum, a very moving and packed service was held to welcome the new Priest, The Reverend Mark Haldon-Jones with the Bishop and many local priests in attendance.

13 September saw the 80th Anniversary of Citizens Advice Bureau. This was held in the Boulogne room here at Civic Centre. The CAB was set up the day after WW2 started. Many of the Town's representatives were in attendance. We were given a short talk by: Anne Petrie Chairman of the Board of Trustees, which gave us all a chance to learn more of what CAB can do to help and advise the local community. After which the cake was cut!"

38. Petitions

There were no petitions.

39. 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.

Proposed by Councillor Prater,
Seconded by Councillor Whybrow;

That the matter raised by Dr Burrell in question 1 be referred to the Audit and Governance Committee, as per paragraph 8.10 of part 4 of the constitution.

(Voting figures: 13 for, 15 against, 1 abstention).

The motion was LOST.

40. 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.

41. Announcements of the Leader of the Council

The Leader made the following announcements:

“Good evening to you all.

You should all have received an invitation from our Chief HR Officer inviting you to join the Folkestone and Hythe Rewards scheme. This scheme not only provides discount opportunities but also gives health and well-being support so if you want to be richer and healthier, I would advise you to take advantage of it.

Talking of well-being, have you tried out any of the outdoor gym equipment that has been recently installed in Radnor Park? It is supposedly for adults to use but seems to have found universal approval.

For your information we are working with KCC and our other districts to formulate a scheme that will give those leaving the Kent care system help with their Council Tax bills. KCC have indicated that exempting care leavers from having to pay until they reach the age of 25 would find favour with them. The scheme would primarily be administered by KCC. We would, of course, have to go through due process to adopt it but I am sure that we would want to support this particularly vulnerable group of young adults.

I was going to talk to you about the purchase of Westenhanger Castle but as it is an item on this evening’s agenda, I will wait until then.

You all should have received an invitation, albeit at short notice, to view tomorrow the new affordable housing in Princess Street, Folkestone. This is another ten homes that have been made available for an affordable rent linked to the local housing allowance for the area and are being let through the Council’s housing list. So now we have provided over 100 Council homes towards our target of 300 within the current plan. I have been told that the cap on the HRA has been raised so I have asked Councillor Godfrey to review the position with a view to increasing our target.

That is all from me this evening”.

The Leader of the Labour group responded and advised he was pleased with the additions to the Council Housing Stock, but felt that 300 houses in ten years was not sufficient for the number of people on the waiting list. In regards to the HRA, this was old news, announced at last years Conservative party conference. He looked forward to working with Councillor Godfrey and officers to build a robust innovative council house building scheme. He welcomed the FHDC rewards scheme, and hoped Councillors would engage with it as much as staff. With regard to the Radnor Park equipment, he stressed the importance of parks and gardens to residents in terms of both physical and mental health. In response to the care scheme, he stated that this should be in place already and it was another symptom of poverty in the district.

The Leader of the Green Group responded and stated that she welcomed the care leaver scheme. She was pleased to accept the invitation from the Leader

to visit the new affordable housing. She supported Councillor McConville's points about the need for more council homes.

Councillor Prater, the Leader of the Liberal Democrat Group responded and added that the mention of the FHDC rewards scheme was an odd choice for the leader given the summer events, in relation to East Kent Housing. He also referred to the discount at Ashford's Cineworld, stating that it was not helpful in encouraging visitors to Folkestone's high street.

The Leader in reply stated that opposition responses should be subject to a Code of Conduct. All members were there to work for the people of the district and not to score political points.

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

RESOLVED:

That the announcements of the Leader be noted.

42. Opposition Business

Councillor Whybrow, on behalf of the Green Group outlined the Opposition business, which asked the Cabinet to adopt the following matters:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies

Proposed by Councillor Whybrow,
Seconded by Councillor J Martin; and

RESOLVED:

That Option (b) (Refer the issue to the Cabinet for their observations before deciding whether to make a decision on the issue) be agreed.

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

FOR: Councillors Mrs Berry, Brook, Miss Carey, Collier, Davison, Dorrell, Fuller, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, Keen, J Martin, P Martin, McConville, Meyers, Monk, Mullard, Peall, Prater, Rolfe, Shoob, Treloar, Wade, Whybrow, Wimble, Wing (28).

AGAINST: None (0).

ABSTENTIONS: Councillor Meade (1).

(Voting figures: 28 for, 0 against, 1 abstention).

43. **Motions on Notice**

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

Councillor McConville set out his motion to amend the constitution in regard to part 4 section 12.6, altering the time limit for debates on Opposition business from 15 minutes to 30 minutes. The motion had been proposed and seconded at the meeting of the Council on 24 July 2019, and was now open for debate.

Proposed by Councillor McConville,
Seconded by Councillor Monk; and

RESOLVED:

That under Part 4, Section 25.2, the time limit set out in part 4 section 12.6 of the constitution be amended from 15 minutes to 30 minutes.

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

FOR: Councillors Mrs Berry, Brook, Miss Carey, Collier, Davison, Dorrell, Fuller, Gane, Goddard, David Godfrey, Hills, Mrs Hollingsbee, Keen, J Martin, P Martin, McConville, Meade, Meyers, Monk, Mullard, Peall, Prater, Rolfe, Shoob, Treloar, Wade, Whybrow, Wimble, Wing (29).

AGAINST: None (0).

ABSTENTIONS: None (0).

(Voting figures: 29 for, 0 against, 0 abstentions).

2. **From Councillor Prater, Leader of the Liberal Democrat Party**

Councillor Prater outlined his motion which proposed that the Audit and Governance Committee be asked to consider the introduction of a Committee system.

Proposed by Councillor Prater,
Seconded by Councillor J Martin;

That this Council believes that a Committee System is appropriate for its Governance in the future and asks the Audit and Governance Committee to consider the issue at the earliest opportunity. If the Audit and Governance Committee were to endorse this view when it reports to Council, it should suggest an outline committee structure.

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

RESOLVED:

That the motion be amended to read:
“That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council”.

(Voting figures: 29 for, 0 against, 0 abstentions).

RESOLVED:

That this Council believes that all Councillors should have the ability to participate fully in decision-making and that a range of governance options are available. This council believes that a cross party working group of all group leaders should be set up to consider the issues of moving to a committee system, or an alternative system, at the earliest opportunity reporting back to council.

(Voting figures: 29 for, 0 against, 0 abstentions).

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

Councillor McConville outlined his motion which asked for an amendment to part 5, section 6.2 of the constitution, to read "A councillor, who has proposed a motion *or Opposition business*".

Proposed by Councillor McConville,
Seconded by Councillor Fuller;

"This Council moves to, under part 5 section 27.2 amend the constitution in regard to part 5 section 6.2. A Councillor, who has proposed a motion which has been referred to a committee or sub-committee, shall be given at least three clear working days' notice of the meeting, at which the motion will be considered, by the Head of Paid Service. If the Councillor attends the meeting but is not a member of that committee or sub-committee, s/he shall have an opportunity to explain the motion to the committee or sub-committee.

This should be amended to read "A councillor, who has proposed a motion or Opposition Business".

As per rule 25.5 of the constitution, it is resolved that this motion stand adjourned, without discussion until the next ordinary meeting of the Council.

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

Councillor McConville set out his motion which asked the Council to condemn the purchase of Westenhanger Castle without the specific prior agreement of this Council.

Proposed by Councillor McConville,
Seconded by Councillor Meade;

That Council condemns the purchase of Westenhanger Castle without the specific prior agreement of this Council.

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

FOR: Councillors Davison, Dorrell, Fuller, Keen, J Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow, Wing (13).

AGAINST: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, Martin, Meyers, Monk, Mullard, Peall, Rolfe, Wimble (16).

ABSTENTIONS: None (0).

(Voting figures: 13 for, 16 against, 0 abstentions).

The motion was therefore LOST.

44. **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/19/12 be received and noted.

(Voting figures: 29 for, 0 against, 0 abstentions).