

Full Council – 20 November 2019

Councillor questions:

1. From Councillor Fuller to Councillor Godfrey, Cabinet member for Housing, Transport and special projects

Given the concerns over fire safety at Ross House, and the time taken to identify them, will the Council be urgently reviewing fire safety in all EKH properties in the district and, if so, when is it expected that such a review will report back to this Council?

ANSWER:

In addition to the information in the briefing note sent to all Councillors I can advise that East Kent Housing have completed detailed fire risk assessments across all 180 communal blocks across the Council's housing stock. A programme of works is in place to deal with the 479 actions identified through this process, the details of which have been previously reported to members. EKH have put mitigation measures in place to deal with the most serious issues identified to ensure that residents are safe in their homes and the Council, along with the other 3 East Kent Council owners, continue to work with the Social Housing Regulator on this issue and in respect of wider compliance across the Council's housing stock. The programme of fire safety works will deal with the most serious actions as a priority and it is anticipated that all the works will be completed within an 18 month period. However, the Fire Risk Assessment process across the Council's housing stock is an ongoing process and regular checks and update Fire Risk Assessments will be completed to ensure that the homes remain safe and compliant.

SUPPLEMENTARY QUESTION:

Is there going to be a full review of every single EKH property, be it communal or dwellings?

ANSWER:

I would expect a full review of all of our properties to take place, how long this will take I do not know but will find out for you.

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

Ross House was inspected by this Council's Building Control Department on multiple occasions during its renovation. Given that there have since been a number of significant potential flaws identified in the works, what measures can this Council take to ensure that the Building Control process results in the provision of safe housing across the district?

ANSWER:

The Building Control team work to both British and European standards and the Approved Documents under the building regulations that contain guidance over 16 different categories covering compliance across all building activities.

The service is application based where the applicant submits plans, a building notice or a regularisation application. Applicants are only legally obliged to notify us at the start of a project and on completion. As a service we go far beyond these requirements by completing checks throughout the duration of many projects to prevent non-compliance.

The vast majority of our inspections are defined as pre-contravention intervention inspections which identify contraventions arising from both the present stages during a project and potential contraventions lying ahead at the future stages. Virtually all inspections are pre-contravention type given the complexity of the requirements. History has shown that pre-contravention inspections are the most effective way of avoiding Section 36 Notices at the later stages.

We engage every day in checking for compliance, identifying contraventions and considering solutions to overcome non-compliance on all projects, of which we have over a thousand recorded each year. As a team with a combined Building Control experience of well over 100 years we endeavor to intervene in projects as much as our resource permits but inevitably contraventions do come to light. Where we are made aware of them, and verbal resolution is not possible, we report formally to the responsible person and/or the building owner to remedy the works, either by remediation with their current contractor or through resolution in the civil courts. FHDC Building Control do not represent owners or contractors engaged in contractual disputes, our reports are impartial and non-political.

Where resolution fails after Section 36 Notices have been served and works remain in contravention, the case is handed over to Legal Services to consider whether it is appropriate or not to prosecute under Section 35 of the Building Act 1984.

With regards to Ross House; Fire safety in any building is not achieved by one single measure, instead it is compiled from a collection of several different precautions. Together they aim to protect life, by providing escape routes, minimum fire-resistance, restricting fire spread of the surface materials both inside and out, and providing essential access for the fire brigade.

The Building Regulations on Fire Safety (Part B in England and Wales) are divided into two volumes, the second volume which includes flats and comprises of five sectioned requirements each addressing these separate precautions. In its former edition it is Volume 2 – Part B (please note it has since been amended and published under Part B- Vol.1) that was used generally for flat conversion projects and new builds alike, and was applied whilst inspecting the Ross House project.

The Building Control Team made seven inspections during the project to discuss and inspect work in progress. Building Control Bodies do not supervise or guarantee compliance with the requirements on any project. The requirement for compliance rests with the responsible person carrying out the works. The

Building Notice submitted by them is a statement that they will meet the requirements of the Building Regulations in carrying out the works.

We are not aware of any contraventions of the Building Regulations requirements with the work that was undertaken, now or when it was completed on 29th March 2019 and without evidence of contravention the Building Control Body is required to issue a certificate of completion, containing the words from the statute that 'it is evidence of compliance but not conclusive evidence of compliance' since it is based on periodic site inspections and information, and not supervision of the works.

The Building Control Team will continue to work closely with EKH and Kent Fire and Rescue to review the fire protection measures and strategy for the property.

SUPPLEMENTARY QUESTION:

Following the specific issues with Ross House Is there any intention to review similar decisions in the future?

ANSWER:

Happy to meet with Councillor Fuller and the Building Control Officers to answer this at a later date.

3. From Councillor Fuller to Councillor Godfrey, Cabinet member for Housing, Transport and special projects

When purchasing new properties, especially with a view to their use as social housing, what attributes of the relevant building does the Council inspect and/or produce a report on to be considered by the relevant decision maker?

ANSWER:

When purchasing properties the, Council ensures that the following documents are in place:

- Building Control certification
- Building warranty if appropriate (such as LABC or NHBC)
- Gas safety certification (where applicable)
- Electrical test certificates
- Fire Test certificates
- Operations & Maintenance manuals

Where we are able, we request that our Employers Requirements are used which set out standards that meet or exceed statutory requirements. These have been developed with various stakeholder input including EKH. In the case of new build properties we would have our representative present at inspection stages for sign off. We also have visits from EKH fire specialists in order to check the fire safety measures and strategy within a property during works and on completion. Onsite inspections throughout the construction phase are clearly not always possible when an existing property is purchased, however, we will still require all necessary supporting documentation to be in place.

SUPPLEMENTARY QUESTION:

One of the documents on planning application for Ross House states that the developer was working with someone in the Council relating to the use for social housing at what stage were we working with the developer and what actual physical inspections took place at Ross House?

ANSWER:

Not aware of any conversations but will ask the relevant people and ask that Councillor Fuller meet with me to get the necessary answers.

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

This council doesn't currently record figures for internal recycling, as in recycling within Council offices. Will the council commit to recording those figures in the future?

ANSWER:

The Civic Centre is occupied by a number of tenants as well as the Council and the recycling from the building is all collected together under one arrangement and not split into tenants and Council recycling.

We have a trade waste agreement with Veolia who pick up all of the waste from the building. All of the confidential paper waste from the building is collected under contract, shredded and then recycled.

The Council has recycling bins placed all around the building and encourages staff to use these.

Whilst the split of waste is currently not recorded we can report that since January 2016 to September 2019 the overall amount of waste collected from the Civic Centre has fallen by 25%. We will review how we take figures going forward.

5. From Councillor Fuller to Councillor Wimble, Cabinet Member for the District Economy

The provision of the £3 million High Streets Fund is a welcome boost to our ailing town centres. However, could the cabinet member explain why more than 70% of the funds have been allocated to Folkestone Town Centre when more than 50% of residents of the district live outside Folkestone?

ANSWER:

Folkestone is the largest and only sub-regional town in the Folkestone and Hythe District settlement hierarchy and as such is the district's main retail and employment centre. Therefore its success is important to residents in all parts of the district, not just those in the immediate area around it. Other key factors that support this level of funding include:

- Folkestone offers the only opportunity for leveraging in government investment to the district to bring forward new opportunities to future-proof its town centre. The Future High Streets Fund call for projects limited the district to funding for only one location and Folkestone was chosen as the largest centre in the district. FHDC's will have a second call for projects in 2020.
- Folkestone offers the best opportunity to deliver a commercially viable proposition that would attract private investment.

SUPPLEMENTARY QUESTION:

What statistical basis is there for the breakdown, is it around employment, what is the logic behind this?

ANSWER:

The decision was taken due to the foreseeable closure of Debenhams and as Folkestone is the central hub for the whole district it was needed to be done quickly and the Council moved swiftly to organise the monies to move forward.

6. From Councillor Davison to Councillor Godfrey, Cabinet member for Housing, Transport and Special projects

What do you propose to do about the fact that we have a housing crisis in our district, with sky high rents, people facing eviction simply because they claim benefits, and others trapped in accommodation that's too small because they have no guarantor or can't meet letting agents minimum income requirements?

ANSWER:

I am sure that you agree that the simple answer to your question is that the best way to meet demand is to build more homes /unfortunately we do not have a magic money tree so the obvious solution is to provide for all of our residents by building across the entire housing sector which will provide a sound economic basis to generate funding to provide more affordable and social let homes. Our best opportunity to achieve this is with Otterpool Park and I look forward to your support to bring this forward as soon as possible.

In the meantime I am sure that you are aware of and fully support the many initiatives the Council has in place to help residents and prevent homelessness such as:

- Property solutions
- ABC Lets
- Prevention Plus
- Rainbow Centre – work to assist rough sleepers and non-priority need households
- Sanctuary Outreach – Including a walk service Monday – Friday
- Our offices are open to the public Monday – Friday one of the last in Kent that do this for homelessness.
- Voluntary Relocation scheme.

We own our own block of S188 accommodation for homeless households.

SWEP run as a dedicated service with the Salvation Army continuing success sources of income through bids for funding in the region of 500k too date

We are also committed to increasing the number of Council and other affordable homes in the district:

The Council has a target to deliver 300 Council homes for rent and shared ownership purchase over the period 2015/16 to 2025/26

We, along with our other affordable housing partners, are on target to deliver at least 80 additional affordable homes in the district

SUPPLEMENTARY QUESTION:

I do not think Otterpool is the answer to our problems, need to take action now and ask Cllr Godfrey if he will work with me to organise a housing summit bringing people together to solve and work on this.

ANSWER:

Not sure this is a question but will get back to Cllr Davison in due course.

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

Please can you supply a copy of the officers' appraisal of the implications of not implementing the Princes Parade plans, to which you referred in your answer to my question of August 2019.

ANSWER:

In my answer to your earlier question I said that "I have asked officers to appraise the implications of not implementing the ", Princes Parade, "plans" . I did not require a written appraisal, so I am afraid there is nothing to send you.

If you wish I can arrange for you to meet officers to discuss the matter.

SUPPLEMENTARY QUESTION:

Was the Leader aware of a recent exhibition and consultation held in Hythe Town Hall by the developer and any comments and information that emerged from this meeting with regards to ground conditions, drainage contamination and stability of the land and cost elements that relate to the Martello site?

ANSWER:

No.

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

Folkestone market was renowned all over Kent and parts of London, possibly even further afield for its famous market; which drew many people into our town, boosting trade for local businesses. Over the years the market has been neglected. The traders are charged the most when it comes to rent in Kent and get less in return compared to other markets, no toilet facilities, no parking facilities and a dwindling footfall.

I understand that Folkestone Town Council would like to take this on and make it a prime area for the Town Centre, increasing the size of the market, introducing a wider selection of stalls and making it an affordable and profitable living for the traders by introducing fair rents with decent facilities and helping to increase the footfall.

Considering the District Council is keen to offload the Parks and Memorial Arch to the Town Council would it consider giving the Town Council absolute rights to running and restoring our Market to its former glories?

ANSWER:

Referring to the last paragraph above the two are not comparable, the Council is not trying to off-load it to the town council, it was an initiative that came from them in the first place.

Like many general markets, Folkestone market has declined over the years. The traders indicate that they have traditionally provided lower cost options for consumers but this role has been contested by the growth of online trading. The Council is seeking ways to revitalise the High Streets (eg. through the £3m High Streets Fund) and role of markets is proposed to be considered next year. It will involve a review of how markets can contribute to the commercial life of the District and this will include reviewing options for the Council's own market.

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

Do you have any information about the future of the now empty Aldi store in the centre of Hythe?

ANSWER:

We have no information on this property at this time.

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

Do you back the campaign to save Dymchurch post office?

ANSWER:

Councillor Wimble supports the campaign to save Dymchurch post office. Over the last 5 years he has personally orchestrated two petitions to raise awareness of closures in recognition of their value as key community assets and has helped to raise public awareness. He has also communicated directly with the local MP over this issue who he believes has taken this up with the relevant Government Minister.

In addition I would like to add that I arranged for the local MP to visit with the Post Office, he turned up but the Post Office didn't but he will meet again with the Post Office in the future.

SUPPLEMENTARY QUESTION:

I wanted to highlight the issue as it is an asset of value, can we designate the Post Office as asset in this area?

ANSWER:

I would have to take legal advice as this is a private franchise he has got and we need to do everything we can to keep all post offices open and I am happy to meet with anyone from any party to do the work.

11. **From Councillor Davison to Councillor Mrs Hollingsbee, Deputy Leader of the Council and Cabinet Member for Communities**

Can you make a statement on the impact on our community of open, blatant drug dealing on our streets?

ANSWER:

Within the Community Safety Unit and Community Safety Partnership we are very much aware of the impact of drugs and drug dealing within our community, we see the links between drugs and other criminal activity and are doing all we can with our partners to combat it. Over the last year we and partners such Kent Police have devoted considerable time to tackling the threat from both County Lines Drug Dealing and our own local Drug Dealing networks.

FHDC CSU have delivered training to professionals empowering the reporting of criminal activity, ASB and crimes associated to drug dealing as well as engaging with a number of our CSU/CSP partners to proactively deliver educational opportunities through delivery to schools and opportunities for young people. We also commission through the Police and Crime Commissioner a number of projects to support the diversion of such activities.

As a partnership we divert people away from drugs and other crimes through outreach operations such as Op Lion and Op Ariel. Working with partners to signpost drug users to the relevant support networks as together we acknowledge that arrest and prosecution is not always the most appropriate approach. We gather intelligence and work through a number of forums locally such as the serious and organised crime board to support the community.

County Lines are known to use the rail network and carry knives and weapons to enforce drug debts and intimidate other dealers. The Police with British Transport Police (BTP) were involved in two days of action in and around the two main train stations in Folkestone. Knife detection arches and dogs were deployed alongside officers trained to stop vulnerable missing children used by these gangs.

In terms of enforcement we have seen a number of successes and significant quantities of drugs, cash and weapons off of our streets with a number of offenders put behind bars by Kent Police. The Public Spaces Protection Order is one of the many tools we have as a district council to equally deal with drugs as well as Community Protection Orders and Community Protection Notices when appropriate.

Just this week the Kent Police Community Policing Team have disrupted three county lines operations, arresting 5 people (resulting in multiple charges for drugs offences), seizing around 800 wraps of class A drugs, and removing a caravan that was being used to deal drugs but was also causing a considerable amount of ASB as well.

The CPT have also targeted a number of recidivist offenders who commit crime to fund their drugs habits with no less than 6 prolific shoplifters and burglars targeted and recalled to prison. There is a constant need to actively disrupt this criminal activity and ASB which the partners working very hard to do on a daily basis.

Through organisations such as FAPAC we liaise with local businesses and within all partnership operations we listen to and respond to residents while actively encouraging all to report concerns. We have recently introduced a new district partnership vulnerability panel where a high level of support will go into referrals received for some of our most vulnerable residents who are impacted upon by criminality and ASB as well as cuckooing and hate crime.

Our FHDC homeless outreach support services with CSU are dedicated to a holistic approach to work with those on the street who may also be involved in drugs. A lot of work goes in to engage with these individuals to sign post them to appropriate services.

Our aim as a CSU/CSP is to offer a safe environment for all residents and business, this is a multi-agency approach and work we strive to deal with for the community.

SUPPLEMENTARY QUESTION:

Would like to invite you or the Leader to meet with my residents who have been affected?

ANSWER:

Certainly be happy to talk afterwards.

12. **From Councillor Keen to Councillor Monk, Leader of the Council**

Please can you describe the process in which the trustee's for the Folkestone Parks and Pleasure Grounds are chosen?

ANSWER:

Thank you for your question.

Following the 1974 local government re-organisation, Shepway District Council succeeded the Borough of Folkestone as Corporate Trustee for a number of areas of land in Folkestone, each a charity in its own right, specifically provided as a park, pleasure ground or recreation ground for the use and enjoyment of the inhabitants of the town and its neighbourhood.

The areas of land were

- East Cliff and Warren
- The Durlocks
- Lower Sandgate Road
- Radnor Park
- Morehall Recreation Ground
- Canterbury Road Recreation Ground

The individual charities all had identical objectives and to improve their administration a successful application was made to the Charity Commission to combine them into one.

On 13 June 1991 the Folkestone Parks and Pleasure Grounds Charity was established, by a Charity Commission scheme, for the provision of parks, pleasure grounds or recreation grounds for the use and enjoyment of the inhabitants of the former Borough of Folkestone and the neighbourhood thereof.

In accordance with the constitution of this Council the Council's cabinet carries out its Corporate Trustee functions.

SUPPLEMENTARY QUESTION:

In view of your response why are back-benchers not made trustees of the parks and pleasure grounds which would alleviate any conflict of interest members of the cabinet may have?

ANSWER:

I do not see that there is a conflict of interest that cabinet would have we sit as trustees of the charity and act as trustees, it is a matter of the constitution who is appointed and I agree that the constitution needs a revamp at some point but again there is no conflict as a trustee, see no problem with it and never have, it is a matter for deliberation with the constitution going forward.

13. **From Councillor Meade to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

With regards to the recent flooding across Folkestone, largely due to non cleaning of drains, what action plans has this council along with KCC prepared to ensure our drainage infrastructure can cope with further downpours? This is happening every year and shouldn't be taken as a surprise what action is being taken so this does not happen again?

ANSWER:

Southern Water are primarily responsible for the drainage infrastructure and the Environment Agency for rivers and water courses like the Pent Stream.

The council plays a role as the local planning authority for new developments and on the ground by helping to keep street surface drainage channels clear.

In terms of planning and new developments—

Policy CC3 of the Places and Policies Local Plan sets out the Council's approach to flooding and flood risk in respect of new developments. This policy requires rain water runoff from all hard surfaces to receive appropriate attenuation in accordance with Sustainable Drainage Systems, SuDs Manuals (CIRIA C753) to protect from pollution and to ensure that all new development accords with Kent County Council's Drainage Planning Policy Statement 2017.

This policy seeks to ensure that, within all new development, consideration is given at design stage to surface water run-off and integrated into the design of the scheme infrastructure – managing rain fall runoff to achieve the following:

- Greenfield development:- the new development should not have a runoff rate higher than compared to its greenfield rate.
- Brownfield development: discharge rates off the site should be reduced to green field rates where possible
- Policy CC3 and others within the Local Plan build in requirements to consider and plan for climate change.

In terms of street cleansing, each year the street cleansing contractor brings in additional staff at this time to deal with the autumnal leaf fall. Teams have been out since October working hard to remove leaf fall and keep drainage channels free.

However I would direct your wider questions about the maintenance of the drainage infrastructure to Southern Water and the Environment Agency.

SUPPLEMENTARY QUESTION:

Thank you for the information relating to new homes drainage. Please can I ask that additional pressure is put on KCC to clean the drains, get it in the diary for next year so that cleaning can take place earlier, you only have to

walk around Folkestone during heavy rain and drains are already getting blocked.

ANSWER:

It is always in my diary as I have been a victim of flooding myself. It is a crucial area and officers receive emails and calls re hotspots. If drains are blocked then there is a KKC reporting page which I would encourage residents to use. There was an issue in Blackbull Road area in that all the drainage lids were on the wrong way round this has now been corrected. KCC is the place to report blocked drains but if you are having problems then I am always happy to help.

14. From Councillor Meade to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

Given that community safety is the remit of this district council why was the decision taken some time ago to offload its CCTV responsibility to the town council, a body that can neither afford the responsibility nor should it have to bear it?

ANSWER

On 16th April 2014 Cabinet approved this transfer. Report No. C/13/102 refers to the full details. The resolution is shown below.

RESOLVED:

1. To receive and note report C/13/102.
2. To approve option 1 within the report – Transfer to Third Party (Folkestone Town Council), with payment of £145,000, to contribute to the provision of CCTV in Folkestone.
3. That the maintenance contract is novated and funded by Folkestone Town Council.
4. That the additional cost to the council of providing the service, pending transition to FTC, is met from existing budgets, for a period of no longer than three months.

The decision taken by Cabinet followed discussion and reports that went through a number of committees. The Resources and Scrutiny Committee met on 24.07.13 where report no. OS/13/05 was agreed. Community Overview Committee also met in October 2013 where report no. OS/13/10 was agreed.

Discussion had been ongoing with FTC because a decision had to be made on how the Council was going to go forward. Given coverage was for the Folkestone town area the role of FTC was a key consideration.

The option of decommissioning CCTV in its entirety was rejected by Cabinet and the option of transfer to FTC agreed due to the CCTV equipment being unfit for purpose. The reports set out the costs involved if the District Council were required to upgrade together with considerations such as future maintenance costs etc. The costs involved in a transfer to FTC was also set out. The latter option was agreed by all committees involved.

Provision of CCTV is not a statutory function. Working in partnership to address community safety is a statutory function and the District Council undertakes this through its arrangements with the Folkestone and Hythe Community Safety Partnership.