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SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 17 January 2018

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Peter Gane, David Godfrey, Miss Susie Govett, Ms Janet Holben, Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons (Vice-Chair), Philip Martin, Frank McKenna, Ian Meyers, David Monk, David Owen (Chairman), Dick Pascoe, Paul Peacock, Carol Sacre, Russell Tillson, Mrs Susan Wallace, Mrs Rodica Wheeler and Roger Wilkins

Apologies for Absence: Councillors Alan Ewart-James, Clive Goddard, Stuart Peall and Damon Robinson

64. **Declarations of Interest**

There were no declarations of interest at the meeting.

65. **Minutes**

The minutes of the meeting held on 21 December 2017 were submitted, approved and signed by the Chairman.

66. **Chairman's Communications**

The Chairman gave the following update:

“My report this evening will be very short!

Since we last met, we have enjoyed an extended break over Christmas and the New Year and consequently, civic duties have been very limited in number. Indeed, the only event that I have attended was Margate's annual ceremony of the Blessing of the Seas. This is an annual festival in the Greek Orthodox Church and takes place early in January each year. Margate has a substantial Greek and Greek Cypriot community, and this Ceremony has traditionally been attended by many Kent dignitaries and this year including the Anglican Bishop of Dover, who took part in the Service, as well as the High Sheriff of Kent, the local Members of Parliament, Deputy Lieutenants, District Council Chairmen, and Mayors from throughout Kent. The BBC also covered the event. The chief features of the day from my point of view are the extreme cold on the Margate Beach where the climax takes place which consists of a small boy jumping into the sea to retrieve a garland. Only a young boy would be prepared to do such a thing, but it is considered a great honour for the boy's family if he is chosen. Afterwards I am pleased to report we retired to warm up over lunch.

Now is an opportune moment to advise Members of my intention to present our Honorary Alderman with a suitable badge to mark their appointment to this office. At present, we have two appointments being ex Councillors Preston and Bliss. Both have contributed greatly to this Council in the past and having bestowed the title of Honorary Alderman, both my predecessor and myself felt

that such a presentation was appropriate. Perhaps I could ask you all to be discreet in this matter as neither of the recipients yet know of my plan, but it is my intention to present the badges at our AGM”.

67. **Petitions**

There were no petitions.

68. **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.

69. **Questions from Councillors**

The questions asked, including supplementary questions (if any) and the answers are set out in Schedule 2 appended to these minutes.

70. **Announcements of the Leader of the Council**

The Leader of the Council gave the following announcements:

“Good evening to you all, I have only two things to talk to you about and I will start with the Otterpool Park ‘Place Panel’ which had its inaugural meeting on Monday. The purpose of the Panel is to act as an advisor and a critical friend bringing to the table experts in a multitude of disciplines such as master planning, landscape design, town planning, transport, housing, social infrastructure and heritage.

The panel, along with representatives of the Ministry of Housing, were taken on a tour of the area which went well, apart from the coach temporarily getting stuck in the mud. They then adjourned for a roundtable discussion on the emerging master plan that looked at such matters as the character and identity of Otterpool Park, the spatial relationship of the town centre with its neighbourhoods and transport connections.

Overall the day was a success with our officers being able to demonstrate our determination to accommodate informed best practise so as to make Otterpool Park an exemplar of place making that will benefit future generations.

The use of a Place Panel is in itself best planning practice and should give confidence that we are doing the job properly. Going forward there will, periodically, be further meetings of the panel to help us in this magnificent venture.

You may recall that some time ago, I talked about an EU project funded by the European Structural Funds called a Community Led Local Development programme.

We were successful in our stage one application but then everything stalled while the uncertainty about the funding caused by Brexit was sorted out. We have now had our programme approved. The programme is called 'Folkestone Community Works' and will bring £2,500,000 of European funds to Folkestone over 5 years to 2022. Earlier today, there was the first official meeting of the Local Action Group which approved the programme documentation and timetable for projects to apply for money. The launch of the programme will be in February and with the match funding required, will bring £5,000,000 into Folkestone over the next 5 years.

Councillor Meyers, Leader of the Opposition, responded to the comments made by the Leader:

"Of course, we welcome the Place Panel and look forward to scrutinising closely what our critical friend brings to the table.

With regard to the European Structural funds, we are delighted that you are getting some of the money back we contributed to Europe to spend here. I only wish a little of it would trickle down to the Romney Marsh, the area which I represent.

I don't know where this is going. This is a five year plan, we all know in just over a year, if your government is successful, we won't be part of the EU, lets hope that some of the money that we saved, that we currently contribute, will be distributed back here to replace what might be lost".

The Leader then responded to the comments of Councillor Meyers and stated that this is why the project had stalled, while the funding, whatever the circumstances were, was confirmed.

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

RESOLVED:

That the announcements of the Leader of the Council be noted.

71. Opposition Business

There was no opposition business.

72. Motions on Notice

There were no motions on notice.

73. Council Tax Base 2018/19

Council - 17 January 2018

The Council is required to decide its tax base which will be used in the calculation of Council Tax for 2018/2019. The report proposed the tax base recommendations for the Council's approval.

The report had been considered by Overview and Scrutiny at their meeting on 16 January, and Cabinet at their meeting on 17 January 2018.

Proposed by Councillor Dearden,
Seconded by Councillor Pascoe; and

RESOLVED:

1. That report A/17/16 be received and noted.
2. That the Council Tax bases set out in appendices 1-31, which have been calculated in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) be recommended as the amounts so calculated by the Council as its Council Tax bases for the year 2018/2019.

(Voting figures: 20 in favour, 3 against, 2 abstention).

Council – 17 January 2018

Public questions:

1. From Ms Davison to Councillor Monk, Leader of the Council

What is the outcome of the council's review into the SWEP (Severe Weather emergency protocol)?

ANSWER:

At this time Shepway District Council adheres to and often exceeds the national guidelines for the operation of the Severe Weather Emergency Protocol (SWEP). A verified rough sleeper count took place in November 2017, with the outcome stating that there were 16 rough sleeper verified in Shepway some of whom were here for economic reasons. At the same time we are helping to fund bed spaces for 13 rough sleepers via the winter shelter here in Folkestone.

Bearing in mind the recent reports that there were higher numbers of rough sleepers in Folkestone than have been verified, we are looking at the possibility of a review of the SWEP Policy to see if we could ask our Rough Sleepers Outreach Worker who we fund via an organisation called Porchlight to see if we could implement a system of verifying rough sleepers in Shepway on an ongoing basis over the winter, which would help ensure local resources are best targeted toward local people in need of accommodation. This is currently still under consideration and discussion with Porchlight.

SUPPLEMENTARY QUESTION:

Is it acceptable, that in Mid-January, rough sleepers are suffering freezing nights, and have to wait for temperatures to fall below 0 degree for three nights running before SWEP will be activated?

ANSWER:

This is the current policy, until a review is completed.

2. From Mr Rylands to Councillor Monk, Leader of the Council

How many staff have reported bullying and/or sexual harassment for the period April 2014 - Dec 2017.

ANSWER:

'There are a number of routes whereby a report of this kind could have been raised.

Firstly an employee could raise a formal grievance either directly to HR or via their line manager at which point an internal review by an appropriate manager supported by a representative from HR would take place. This could lead to a disciplinary investigation and a potential hearing should it be decided that there was an allegation to be addressed.

Secondly a disciplinary investigation could be started straight away should the allegation be made directly rather than starting with the grievance process. This would be led by an independent manager supported by HR and if the allegations were felt to be substantiated a formal disciplinary hearing would be arranged to review the evidence and reach an outcome on the matter.

Finally, an individual has the option of raising this type of allegation via the Council's whistleblowing procedures. This could also then lead to a disciplinary investigation and a potential hearing.

Any report, whether it be a verbal or written account, of bullying or sexual harassment would be treated seriously by the council.

During the period in question, April 2014 to December 2017, no reports have been made through any of these channels.'

SUPPLEMENTARY QUESTION:

I have been informed by some ex members of staff, who are willing to waive their right to anonymity, that they had experienced sexual harassment. Would Shepway District Council support these ex-staff in their claims?

ANSWER (GIVEN BY THE CHIEF EXECUTIVE):

There has been no evidence provided to the Council of any sexual harassment. Without appropriate evidence, the Council would make no further comment.

3. From Mr Southgate to Councillor Monk, Leader of the Council

In respect of the Empty Dwelling Management Orders legislation, can the council please state how frequently it has used these powers in the last five years, which areas of Shepway have benefited and what it has done, or plans to do, with the empty properties?

Mr Southgate was not present at the meeting, so the question was therefore not presented to the Leader.

4. From Mr Deane to Councillor Monk, Leader of the Council

In the report from the 'public engagement' exercise on Otterpool Garden Town held across Shepway in December 2017 thirteen pages of clear and

genuine concerns and objections are listed, along with another 243 unlisted cards stating, "Why", "No to Otterpool Town" and plain "No". The further full round of consultations held in the Summer did not publish like data but all indications showed similar level of opposition. At the public meeting in Hythe later in the year there were three in favour of the development, whereas those against numbered well over 200. Cllr Monk then refused to participate further in the consultation process.

Given that the outline planning application will soon be published can he tell us what level of public rejection of the Otterpool scheme by the people of Shepway will be necessary before he accepts reasoned arguments, changes his mind, and abandons the project?

ANSWER:

The most recent public consultation exercise indicated good levels of support for the Otterpool Park project from parts of the community. I recognise that some people have concerns about the project and I am keen to work with people to help shape the development. However, the general position is that the Council will continue to promote the project to enable the provision of much needed good quality homes, new job opportunities in an environment worthy of a 21st Century Garden Town.

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Council – 17 January 2018

Councillors Questions

1. From Councillor Laws to Councillor Peall, Cabinet Member for the Environment

How many fly tipping fixed penalty notices have been issued in the past 12 months?

ANSWER:

There were 187 reports of fly-tips that were passed to the team to investigate - of which, all were investigated.

There were three FPNs issued.

There were two prosecutions taken, and both were won. The offenders were not offered an FPN due to the severity of the cases.

Two “Formal Cautions” were issued for Fly-tipping. This is instead of an FPN. The circumstances were taken into account, and the customer showed remorse and provided what information they had about the person responsible for removing their waste. Details of the Formal Cautions are kept on file for a period of 5 years so any further incidents will result in a prosecution for the new incident and the old one they received the caution for.

In the first case, a farmer had waste dumped on his land, he moved the waste from his land to ours but after the investigations, he worked with us to provide any evidence or information he had and continued to work with us during the process. This was treated as an educational piece of work and he is aware that any future events that he is involved with will result in a prosecution within the next 5 years.

In the second case, a non-English speaking person left a wooden crate and all investigations were done through his adult daughter. The offender was not aware that it was fly-tipping and was therefore, the case was treated as an educational tool due to the language barriers but the person accepted the fact that this will be on his file for 5 years and a prosecution will take place if any further acts of fly-tipping take place.

There were 7 “Formal Cautions for “duty of care”. This is where the member of public has paid to have items removed from their property and employed someone who does not have a waste carriers licence to remove and dispose of the waste. Once this is fly-tipped, the original owner is responsible. If the owner has shown remorse, provides details of the company that they used and helps with our enquiries, a formal caution is given and details held on their file for a period of 5 years with a prosecution for any new involvement with fly-tipping and the original offence is added to this.

The remaining cases would have been items that Veolia would have cleared without the team's intervention as they have not found any evidence whilst on site.

SUPPLEMENTARY QUESTION:

In known fly tipping areas, would it be too expensive to set up cameras?

ANSWER:

A written response would be provided to this question.

2. From Councillor Collier, to Councillor Monk, Leader of the Council

The Bank Bar in Castle Hill Avenue, which is licensed to sell alcohol until 3.30 am and does not have to close until 4 am on Thursday, Friday and Saturday nights, causes considerable disturbance to residents throughout the night in a predominantly residential area. The police and council officers are frequently called out to deal with anti-social behaviour, not only to the Bank Bar, but also to other establishments with similar licensing hours. In the light of this are you satisfied that the Council's current licensing policy is fit for purpose?

ANSWER:

The Council adopted its licensing policy in October 2016. I can confirm that Officers are currently undertaking a review so as to ensure the policy meets best practice, that the licensing objectives are promoted and that premises in or close to residential areas demonstrate that their operating hours and schedule are appropriate and balance the needs of business with the living conditions of residents. This policy will be subject to formal consultation, likely in the Spring.

Any premises license can be called in for formal review by a Regulatory Authority or local neighbours or groups. In this particular instance the premises has been served with a noise abatement notice by the Environmental Protection Team, who have been monitoring the premises and are now preparing evidence to call the license for review. Should a license be called in it is a requirement of the objector to provide evidence to demonstrate why a license should be reviewed and why it is not meeting the 4 licensing objectives – the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

This administration is committed to the delivery of our Corporate Plan which identifies the need to keep our communities healthy and safe as a priority, alongside the delivery of an attractive and clean environment within which businesses and residents can thrive. I am pleased to see that Officers have worked closely with the community and listened to their concerns. I am convinced that the actions I have outlined will resolve ongoing issues, which relate to a very small number of licensed premises within the district.

3. **From Councillor Sacre to Councillor Miss Hollingsbee, Deputy Leader and Cabinet Member for Communities**

What plans do we as a district council have to offer our residents in order to relieve the severe lack of professional medical care in Folkestone, Hythe and Romney Marsh districts. Bearing in mind, the extensive plans to build expanses of residential units.

ANSWER:

The Council works closely with the NHS, KCC and other authorities to ensure there is a joined up approach to health in the district. The NHS was fully involved in planning for growth in our current Core Strategy Local Plan, with requirements for new medical facilities to be delivered at Shorncliffe Garrison in particular identified within the planning legal agreement for the development. Following detailed discussions between SDC, KCC and the NHS the emerging Places and Policies Local Plan seeks to allocate land for a new medical hub facility in New Romney, with funding towards this delivered from other largescale developments in the area. The emerging Core Strategy, seeking to allocate significant growth in the North Downs at Otterpool Park in particular will further ensure that appropriate medical and associated facilities are provided to meet the needs of residents and the surrounding villages.

The Council recognises that there are pressing problems, particularly in Folkestone and the Romney Marsh relating to GP recruitment and will continue to assist the NHS wherever possible to ensure solutions can be found. Ultimately investment in the district, the provision of high quality new homes, jobs and improvement of the public realm and services will ensure that Shepway is an attractive place to live and work and that without such investment it will be even more difficult to attract doctors and other skilled professionals required to the area to meet the current and future needs of an aging population.

The council is involved in supporting the CCG and partners in shaping future local care models and engaging in community projects that encourage wellbeing and preventing ill – health.

SUPPLEMENTARY QUESTION:

With insufficient medics available, surely serious consideration should be given to plans, putting larger developments on hold, until this is resolved?

ANSWER:

Development could not be stopped as there was a need for houses, to meet government guidelines. A high design development could encourage more professional people such as medics to move to the area.

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