

Leader's Q&A session

Held at: Zoom - to be streamed live to Youtube.

Date: Wednesday, 27 January 2021

1. Questions from the public

1. From Mr C Deane to Councillor Wimble, Cabinet Member for the District Economy (in Councillor Wimble's absence, Councillor Monk, Leader of the Council gave the response to this question)

In light of F&HDC's recent acquisitions would the Council consider the purchase the old ALDI store in Hythe for community use as a potential library; IT centre; town offices; Civic centre 'outpost', tourist information, gallery, and more besides? It may add significantly to the wellbeing of the High Street and the cost may be offset by the sale of other premises.

ANSWER:

Thanks for your question Mr Deane.

The Council is not seeking to provide a facility of this nature in Hythe although it may be that a community led project would be of interest to other stakeholders in relation to the wide range of uses you have outlined. I would encourage you to raise this with Hythe Town Council and local groups who may keen to take this forward.

2. Questions from Councillors

1. From Councillor Keen to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control (in Councillor Peall's absence, Councillor Monk, Leader of the Council gave the response to this question)

The building in Cheriton High St formally known as the White Lion Public House has been derelict since 2006, 15 years. The building has fallen into a state of disrepair and local residents in the area report issues with rats and are concerned that since the roof was removed that the building is open to the elements and the building is unsafe it is also not secure which could lead to it being broken in to and set on fire.

The Building Act of 1925 sections 77 & 78 states that a Local Authority can take steps and order the owner to make the building safe or take emergency action to make said building safe.

Can this issue please be dealt with as a matter of urgency haven't we as the Local Authority got a duty of care to the residents in the nearby properties/area to take such action?

ANSWER:

Thank you for your question.

A former complaint about waste accumulating at this location was registered where an Environmental Protection Officer investigated the matter and met the developer onsite. They discovered it was mostly material from inside the former pub which had been left outside, which the majority was later cleared. We are not aware of any reports about rats at this location and we would ask that any residents affected by this should report their experience via the council's website Report It function so this can be investigated accordingly.

Building Control have inspected the building and have not deemed it dangerous to the public. A gap in the security fencing was found and this was re-secured and closed by our officer. The Architect has stated that the client is keen to proceed with the works as the relevant planning matters are finalised.

I believe the property was purchased by developers and we do have an initial notice on file from a private Building Control Body for its renovation. I further note we had a report of two dislodged security lights hanging by their wires in January last year which were re-secured at the time.

We carry out inspections throughout the District most weeks under Sections 77 and 78 of the Building Act 1984. They are mostly following sudden events such as storm damage, fire, flooding and vehicle impacts and are requested by the emergency services attending. We also inspect buildings reported by members of the public as suffering from decay. In all cases, the building is assessed for the presence of a clear and present danger to the public.

Often, in the case of decay and with long-term empty buildings that have become an eyesore or nuisance, where renovation/repair works are sought to improve the amenities of the area, notices under Section 215 of the Town and Country Planning Act are more appropriate. These are served by our colleagues in Planning and I believe have the benefit of imposing a fine in cases of non-compliance.

Notices under Sections 77-78 (and 79) of the Building Act 1984 can only be enforced by the local authority carrying out the work themselves and

attempting to recover the costs afterwards and there must be evidence of a clear and present danger. We routinely seek to engage with and where appropriate serve notices to owners under these sections but we have not allocated a budget at the moment for undertaking building works on privately owned premises in this context.

SUPPLEMENTARY QUESTION:

None.

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

Now that we have finally left the EU and we are in the early stages of what was known as the oven ready deal coupled with the chaos that was caused when France closed its borders to UK traffic due to a new strain of the Covid being discovered. Although freight is now moving freely and COVID testing in place for drivers the stress and anxiety it caused for local people who have to commute out of the district for work was huge and local roads and the motor way were strewn with rubbish left by the freight traffic.

Can I please ask what contingency plans do we have in place is something like the events leading up to the 1st of January happen again? Had there been a major incident during that period where the M20 and local roads were impassable the outcome could have had a devastating outcome. A 45-minute trip from Maidstone to Folkestone took over 3 hours. Please advise what can we do to safeguard our residents.

ANSWER:

Thank you Councillor Keen for your question.

We have a well-resourced emergency planning team who work with our strategic partners under the banner of the Kent Resilience Forum. It is impossible to say that events leading up to the 1st January will never happen again but I have every confidence in the team and the wider KRF partners who have extensive contingency plans in place. These plans are well tested and can be stood up very quickly should the situation arise. The Council have multiple plans in place including a major emergency plan and extensive business continuity plans to react quickly to all situations and safeguard our residents.

We do also have operation Brock which we can spring into action at any time.

SUPPLEMENTARY QUESTION:

None.

3. From Councillor Whybrow to Councillor Wimble, Cabinet Member for the District Economy (in Councillor Wimble's absence, Councillor Monk, Leader of the Council gave the response to this question)

Can you please let me know the total cost of the council being represented by a QC at the Examination in Public of the Core Strategy Review?

ANSWER:

Thank you for your question.

The fees for the council for the use of the barrister at the Core Strategy Review examination are to date £65,970 (excluding VAT). It is common for local planning authorities to use barristers at examinations of local plans, particularly where the plans are strategic in nature or have particularly complex proposals. Maidstone Borough Council, Thanet District Council and Canterbury City Council have all used legal representations at their local plan examinations, as has Kent County Council for its Minerals and Waste Local Plan.

SUPPLEMENTARY QUESTION:

Why did you feel there was a need given that the council was well represented by our officers, and the LLP well represented by the consultants?

ANSWER:

It is such an important examination for us, all our business for the future, and planning matters rely on this particular document being approved. We are not alone in believing we have to have representation. If things go the way some of those proposals made at the front end of the planning, we can have legal challenges against us. It is a form of deep insurance.

4. From Councillor Treloar to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste and Building Control (in Councillor Peall's absence, Councillor Monk, Leader of the Council gave the response to this question)

Considering the noise pollution and disturbance to people and wildlife that jet skis can cause on our otherwise peaceful shoreline, is there any scope in our bye-laws relating to leisure craft to further reduce the speed limit or distance from the shore at which jet-skiers can operate their craft?

ANSWER:

Thank you for your question.

Last summer, the council engaged with the Coast Guard, Folkestone Harbour and other local groups to respond to a range of water safety concerns including enforcement of leisure craft and how this could be practically achieved. We also increased enforcement patrols during this period including weekends with a focus on the coast. Looking forward to this summer, we will be continuing with this approach, as well as reviewing how other coastal districts operate.

In respect of the byelaw for the enforcement of leisure craft, the council relies on the Seaside Pleasure Boats byelaw originally confirmed in 1996. In summary, the byelaw imposes a speed limit of 8 nautical miles along most of the district's coastline up to 200 metres from the shoreline defined as the mean low water mark. This has been historically a difficult byelaw to enforce for the practical reason that the council does not employ a coastal patrol vessel that can enforce on the water. It is doubtful that the expense of deploying such a craft could be justified. Enforcement from the shore runs into the problem of identifying and then engaging with offending water craft users. For these reasons working with the Coastguard and groups like Folkestone Lifeguards can be beneficial.

Legal Services have advised on the scope of amending the existing byelaw to reduce the speed or shore distance. Amending byelaws is a detailed process involving a regulatory assessment, application and approval by the Secretary of State, public consultation and formal approval by council. An alternative would be to issue a Public Spaces Protection Order which has a similar process although not requiring approval by the Secretary of State. These options however would not resolve the practicalities of enforcement.

SUPPLEMENTARY QUESTION:

Would the council consider a public consultation on the matter? Canterbury City Council have recently consulted on implementing a licensing programme for this issue, and that could form part of finding the solution to this.

ANSWER:

We will of course consider this, but let's find out how CCC get on, as that could give us something to consider.

5. From Councillor Meade to Councillor Field, Cabinet Member for Digital Transformation

With the further roll out of Residents parking in the area and also the update of our council website would it be possible to simplify the process for booking resident visitors parking passes please? This has been raised with me by residents several times and I myself had to try five times on Thursday to get the website to accept the information - it took nearly 20 minutes.

ANSWER:

Thank you for your question.

We are aware of some difficulties with the process of booking resident visitors parking passes and have been working closely with the supplier to make improvements. Software changes are currently being tested by the supplier and these should be live on the website shortly. We will continue to review these and feedback any further enhancements that may be required to ensure our customers can access this service as effectively as possible.

SUPPLEMENTARY QUESTION:

None. I look forward to seeing the updates, and making it simpler so that residents can have visitors.

6. From Councillor Meade to Councillor Monk, Leader of the Council

I have been approached by residents in Seabrook as they are becoming increasingly worried regarding the risk of flooding when the Princes Parade building works commence and that their homes could be classed as in a flood risk area which will affect their home insurance. What assurances can the District council offer to residents in Seabrook especially as storms, heavy rains and floods are becoming more frequent due to Climate Change?

ANSWER:

Thank you for your question.

The planning permission for the Princes Parade scheme (Y17/1042/SH) requires that, prior to the commencement of the development, a detailed sustainable surface water drainage scheme is submitted to and approved by FHDC, as the Local Planning Authority, who would consult both the Environment Agency and Kent County Council as Local Lead Flood Authority as part of their consideration of the submission. The scheme will need to take into account the overall development and the drainage requirements for the whole site and demonstrate that surface water generated by this development, for all rainfall durations and intensities up to and including a climate change adjusted 100 year storm, can be discharged from the site without increase to flood risk either on or off site.

I would therefore like to reassure Councillor Meade and the residents of Seabrook that sufficient controls have been put in place, as part of the planning permission issued by the Council, to ensure that no development can take place that will increase the level of flood risk.

SUPPLEMENTARY QUESTION:

It is wonderful that we are doing this background work. Once those drainage systems have been passed and agreed via the district council, will they be available publicly, should insurance companies be asking for assurance?

ANSWER:

Yes they will be available on our website.

7. From Councillor Davison to Councillor Wimble, Cabinet Member for the District Economy (in Councillor Wimble's absence, Councillor Monk, Leader of the Council gave the response to this question)

Homes being built on the old Wyevale garden centre site in Folkestone have been built too close to trees along the site boundary with Castle Hill Avenue and Shorncliffe road. This has led to an application from the developer to remove or cut these trees back, including the loss of an imposing Corsican pine. This was entirely foreseeable. So why was permission given for this development to be built so close to the trees, which are protected by a tree protection order, despite advice at the time, and against the wishes of local residents?

ANSWER:

Thank you for your question.

The development was granted some time ago and unfortunately did not suitably consider the future living conditions of residents alongside their relationship with the existing trees.

The current Chief Planning Officer agrees that this outcome was foreseeable and has raised the issue with his team to ensure that future applications consider whether the proximity of development to protected trees will result in pressure for their removal.

SUPPLEMENTARY QUESTION:

It would be helpful to understand practically how this would be put in place.

ANSWER:

I will ask the Chief Planning Officer to do a briefing note for you.

8. From Councillor Davison to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities

What percentage of the district's Covid winter grant scheme budget has been distributed so far, and how many families have been helped?

ANSWER:

Thank you for your question. All of the grant has been allocated.

Just before Christmas, the District Council was notified that £75,376.54 emergency grant funding had been allocated to us via KCC. We acted extremely quickly and distributed 25% of the grant (before receiving any funding from KCC) to our Partnership Agencies so that anyone they were aware of needing help could be supported prior to Christmas.

Several remote meetings were held with all the agencies as to how the funding should be distributed. It was agreed that the grant be distributed according to the capacity the organisations had to receive referrals and distribute the support needed.

Food Bank 1 Rainbow Centre	£5,000
Food Bank 2 Salvation Army	£10,000
Hythe Community Hub (Age UK Hythe & Lyminge) Some additional coordination for other hubs / partners managed by Hythe hub	£17,000
Folkestone Community hub via 3 Hills Sports Centre (To target deprived areas – use holiday hunger cohort etc & receive referrals in from Rainbow Centre)	£10,000
Marsh Community Hub via Romney Marsh Day centre -To work with Salvation Army for family referrals and to concentrate on elderly with no heating etc	£6,000
KCC – range of early help/ TF/ FLO services	£16,376.54
Citizens Advice - working with existing cohort of clients needing help	£4,000
Kent Coast Volunteers	£2,000
FHDC - Revs and Bens CTR breaks to enable food costs etc to be met	£5,000
Total	£75,376.54

The funding is for the period to the end of March 2021 with monitoring taking place as required by KCC. Each agency will submit their monitoring data to us for collating and then submitting to KCC. Members will be notified of how families have been helped once final details are collated.

SUPPLEMENTARY QUESTION:

Will the COVID winter grant scheme be used to provide school meals during February half term?

ANSWER:

It could be if that is necessary but I believe there are other systems in place to cope with that.

*After the meeting, the following additional response was given:
Schools are responsible for the provision of benefits-entitled free school meals during term time, and KCC has indeed committed to fully funding these during the February half term, so no need for FHDC to allocate Winter Grant to that.*

9. From Councillor McConville to Councillor Wimble, Cabinet Member for the District Economy (in Councillor Wimble's absence, Councillor Monk, Leader of the Council gave the response to this question)

What, if any, amount of funding has been given to businesses in error with regards to the Covid business support grants?

ANSWER:

Thank you for your question.

In the Discretionary Business Grant scheme, during the summer 2020, there were two mistaken payments - one duplicate grant was paid in error to a business, which was subsequently repaid, and in the second case a lower grant than was applicable was initially paid, but then boosted when this became apparent. With the current Additional Restrictions Grant awards since November 2020, there have been no errors apparent to date.

For the Small Business Grant and Retail, Leisure and Hospitality schemes (March 2020-September 2020) we had the following:

3 Fraudulent claims totalling £30,000 – all funds recovered.
3 Paid twice in error totalling £30,000 – all funds recovered.
21 noncompliance cases over 7 different businesses totalling £275,000.
£180,000 has been recovered. £95,000 to 1 businesses is outstanding.
This was due to a late change in guidance and couldn't have been avoided. F&H won't be held liable for this outstanding amount if it can't be recovered.

There have been no cases in the Local restrictions support grants (LRSG) and Christmas Support Payment (CSP) schemes so far.

SUPPLEMENTARY QUESTION:

You had already answered my question. With the funding given by central government, it is important to ensure that we are not liable for any errors.

(At this point Councillor Wimble joined the meeting and gave apologies for lateness).

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

Could you please offer an update to the residents of East Folkestone regarding the planning proposal for Highview school? The application for 30 much needed social houses was submitted in June of 2019.

ANSWER:

Thank you for your question.

The application for Highview School is being actively processed between the applicant and Local Planning Authority. Officers are working with the applicant to address issues raised by consultees in an effort to make a positive recommendation to Committee and help deliver much needed housing for the district.

SUPPLEMENTARY QUESTION:

Is there any possible idea of when this might go to Committee?

ANSWER:

I will provide a written answer after the meeting.

*(Following the meeting, the following response was given:
There are some ecology issues to resolve, and once this is done, the application will be reported to Committee as soon as possible).*