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FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 30 March 2022

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Laura Davison, Gary Fuller, Peter Gane, Clive Goddard, David Godfrey, Mrs Jennifer Hollingsbee, Nicola Keen, Michelle Keutenius, Jim Martin, Philip Martin (Chairman), 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 Danny Brook, Ray Field and Anthony Hills.

74. Declarations of Interest

There were no declarations of interest at the meeting.

75. Minutes

The minutes of the meeting held on 23 February 2022 were submitted, approved and signed by the Chairman.

76. Chairman's Communications

The Chairman gave an update on the 9 events he had attended, which included:

- Buble Song Book fundraiser in Tenterden.
- Common Wealth Flag Raising in New Romney.
- Maidstone Mayor Quiz night fund raiser.
- Dartford Mayor event fund raiser.
- Gravesham Gurdwra Temple event.
- Faversham Ball event fund raiser.
- Sevenoaks Quiz event fund raiser.

He stated that the Vice Chairman had gone on a visit to Shepherd Neame, and also advised that the Deputy Leader had attended the International Ladies Day in New Romney on his behalf.

77. Petitions

There were no petitions to be presented.

78. Questions from the Public

There were no questions from the public.

79. Questions from Councillors

The questions asked, including supplementary questions (if any), and the answers given are set up in Schedule 1, appended to these minutes.

80. **Announcements of the Leader of the Council**

The Leader gave the following announcements:

“Thank you Chairman, and good evening to you all.

A couple of the questions this evening were about Ukraine.

I want to talk about how we individually can support the Ukrainians, both in Ukraine, and in the refugee camps in Poland.

This afternoon the Chief Executive and I visited the coordinating centre run at the Bigjigs site by Peter Ireland, and we learnt just how much people are donating, so far they have arranged for 9 lorries loaded to mainly go to the Ukraine and a few to Poland, and another leaves tonight.

What is becoming evident is that the donations need to become more targeted and without a doubt, the best way to facilitate this is to donate money.

Medicines, food and personal necessities are now a much higher priority and cash donations enable some really good deals to be done, especially for food. Also, they enable purchases to be made in Ukraine and Poland thereby greatly reducing transport costs.

Our website gives the link to the crowd funding site for donations to this initiative. They will still be taking donations in kind as listed on our website under the banner **Support for Ukraine**.

I must say, that the public response to this crisis has been absolutely astonishing.

I hope that tonight will be a stepping stone for the amazing future of Folkestone and Hythe. I am of course, talking about the adoption of the Core Strategy Review, a wonderful piece of work, and it is not just me who thinks so, look at the highly positive remarks from the Inspector. It is never easy to get one of these strategies through the inspectorate but the Dynamic Duo of Adrian and David along with their team have managed it.

So, I publicly thank them for their achievement and hope that this Council will endorse their work by adopting the Strategy tonight”.

Councillor McConville, on behalf of the Opposition, responded to the points raised and stated that he agreed with all the sentiments with regard to the terrible tragedy in the Ukraine, and he welcomed all help. He added that it was important to reflect on the earlier points about how the council could help all refugees in the whole within the town. He added that hopefully these sorts of

outpourings would only increase, and help to deliver aid to places also suffering, such as the Ukraine.

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

RESOLVED:

That the announcements of the Leader be noted.

(Voting figures: 27 for, 0 against, 0 abstentions).

81. Opposition Business

The Leader of the Labour Group, Councillor McConville, set out the Opposition Business which related to the council's Statement of Community Involvement.

Proposed by Councillor McConville,
Seconded by Councillor Monk; and

RESOLVED:

That Option (b) (refer the issue to the Scrutiny Committee, for their observations before deciding whether to make a decision on the issue) be agreed for the business below:

That the current "Statement for Community Involvement" document be renewed by the end of 2022.

That engagement take place with all residents and stakeholders of the district with regards to the renewal of the document.

To consider amending but not limiting to the following:

- The title of the document
- Our Community Involvement Principles
- How we consult
- Reaching the Seldom Heard

(Voting figures: 27 for, 0 against, 0 abstentions).

82. Motions on Notice

There were no motions on notice.

83. Gambling Act 2005 - Update to the Statement of Principles

This item was withdrawn from the agenda and would return to a future meeting.

84. Core Strategy Review - Report of the Planning Inspectors and Adoption of the Plan

The report summarised the findings of the planning Inspectors' report into the Core Strategy Review. The report recommended that Council proceeds to adopt the Core Strategy Review, with the main modifications identified by the Inspectors, so that the plan can be used to make decisions on planning applications.

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

RESOLVED:

- 1. That report A/21/35 be received and noted.**
- 2. That the final report of the planning Inspectors who carried out the examination of the Core Strategy Review (Appendix 1) be noted;**
- 3. That amendments to the Core Strategy Review be approved incorporating:**
 - a) The Inspectors' main modifications and amendments to the policies map as set out in Appendix 2; and**
 - b) Any other minor formatting changes or typographic corrections that are necessary for clarity or comprehension; and**
- 4. That the Folkestone & Hythe District Core Strategy Review be adopted, incorporating the amendments set out in recommendation 3, to form part of the development plan for the district.**

(Voting figures: 15 for, 2 against, 10 abstentions).

Council – 30 March 2022

Councillors' Questions:

1. From Councillor J Martin to Councillor Monk, Leader of the Council

According to KCC, Folkestone and Hythe have the highest Council Tax in the County of Kent, we are currently running a financial deficit and we have a great deal of newly acquired debt, against this backdrop we have runaway international inflation, with the prospect of worse to come, can Councillor Monk tell me how section C13 in the Corporate Risk Register works to manage the rampant inflation we now have to deal with in, a practical sense, for example what percentage increase in cost will invoke cancellation?

ANSWER:

Thank you for your question.

Inflation it is indeed a significant concern both for the management of our costs and indeed in our need to support vulnerable residents in the district. Of course inflation is beyond our ability to control, the Corporate Risk Register seeks to identify significant risks being faced by the authority in its delivery of key services and in the pursuit of the objectives of our Corporate Plan. As the Risk Register states we will seek to mitigate the impact where feasible, such as entering into contracts which are for a fixed price to avoid fluctuating costs. In some instances this is not feasible as the contractor is unable or unwilling to bear the full risk, each contract will need to be evaluated by officers on an individual basis. Ongoing monitoring of costs will continue and be reported to Cabinet & Finance & Performance Sub-Committee. In addition, we are fully engaged with our treasury advisors, who are providing regular updates and forecasts both on inflation and money market projections which of course inform decisions taken.

SUPPLEMENTARY QUESTION

I've heard Cllr Monk's answer, but how does this align with your actions, in authorising the go ahead for the Princes Parade project, representing a 61% increase in costs from £28 million to £45 million?

ANSWER:

Basically, we went through those periods of inflation, and will no doubt go through more in the future, with the current one expected to last a year, and ease off over a period of a couple of years. Whatever it takes, we will get there, and manage what we have instigated. There is a lot of things that will bring us out of this in the future, and I thank god that we did invest in it.

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

Last year I asked whether our residents would receive a refund for Veolia's weeks of inability to pick up our household waste. We have never received a clear answer on this and so I ask again, considering so many residents were adversely affected by Veolia's lack of service in picking up household waste resulting in an increase in vermin, fly tipping, smells and general anxiety, can the council please confirm how much refund has been reflected in our council tax now that the new yearly bills per household have been sent out?

ANSWER:

Thank you for the question.

The council is actively pursuing a claim from Veolia for its legal recoverable costs arising from the route optimisation project last year and chaos caused. The claim covers a number of items including the additional costs incurred by the council during the period of disruption, costs related to the garden waste suspension and the full recovery of contract penalties due to service failures by Veolia.

The claim is being made jointly with our partners Dover District Council and was submitted at the end of last year when we were confident the service had stabilised and was showing clear evidence of sustained improvement. This needed to be done because if the service had not improved, other legal action would have been necessary. I am pleased to be able to say that the waste service is performing well and demonstrated great resilience during the recent Storm Eunice, and I thank the crew for their efforts. Of course, the pandemic and sudden spikes in absences in drivers and crews remain a risk, with DDC currently experiencing a rise in drivers being off work.

In answer to the question about refunds, the council has not committed to how it would allocate any costs it legally recovered simply because this would depend on the amount recovered and when this was achieved. The claim made is being disputed by Veolia and the council along with DDC is considering its legal options.

Contractual disputes can be drawn out and setting ourselves a false deadline in which to conclude matters would only work to our disadvantage. The council however is committed to recovering the full extent of costs legally possible for the service disruption experienced last year.

SUPPLEMENTARY QUESTION:

Would you give regular updates on this, and as soon as the amount is known, let us know how much will be refunded to residents?

ANSWER:

Yes, I'm happy to give regular updates although it is a slow process, and will likely go to arbitration, so an update will not be imminent. With regard to refunds to residents, I cannot commit to that, as I don't know what the values

will be. It will benefit the community, but might not be a refund to individual households.

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

With the dreadful situation in Ukraine continuing and so many citizens having to flee from violence and war, can the council please inform us of how many households locally have offered a place in their household for refugees, how the council can assist in matching families and put pressure on Government to fast track the process especially around visas, allowing these war torn people to enter and find safety.

ANSWER:

Thanks for your question Cllr Meade

In response to the Ukraine crisis the Kent Resilience Forum is co-ordinating the pan-Kent activity. Emergency planning structures have been stood up and our Council is a part of this overall response along with all other key agencies.

The main focus for this work is to enable the matching of people from the Ukraine through the Government's Homes for Ukraine programme. The present position is that there are 130 Ukrainians matched to 52 households across the district. I am sure we would all agree that to make this number of households available is a fantastic response from Folkestone and Hythe residents and I would like to thank those who have put their homes forward.

Council teams, working with Kent County Council and other KRF partners, are working to ensure the matching process is progressed as quickly as possible. This includes safeguarding and property checks, welcome pack information and support to access services. Alongside this is local community support which is also being co-ordinated by the Council. The response from the district's voluntary sector and communities to another extremely difficult situation has once again been outstanding.

I also have an update that KCC will be sending the forms to sponsors imminently for their DBS checks and education. I would also like to say that on Friday, we have a meeting arranged with local stakeholders to set up a network of partners to work with Ukrainian residents.

SUPPLEMENTARY QUESTION:

I'd like to thank everyone who has come forward to help house the refugees. Given how we have helped war torn Ukrainians, can you tell me what we are planning on doing for other war torn refugees, who we are putting places like the Barracks and hotels in the district?

ANSWER:

This is a question for the Home Office, but this district has worked hard with Napier Barracks, the two hotels, and the Afghan families, and we certainly do our share.

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

Following on from my previous question, I also believe that the Government are making £10,000 per person coming to stay available, can the council please confirm how this money is going to be spent locally to ensure that these refugees receive schooling, language lessons, housing, health care and general assistance in settling into our communities quickly and happily.

ANSWER:

Thank you for your question.

How the £10,500 per person tariff will be disbursed is currently being worked out with discussions taking place between Kent County Council and all districts.

I am sure you will appreciate that this is fast emerging situation. Further information is available on the Council's website where a dedicated page has been created to provide information on the range of support needed and offered, and these pages will be updated as further guidance is made available. A dedicated email address, ukraine@folkestone-hythe.gov.uk, has been set-up and a telephone line will also be in place shortly.

Once again I would like to place on record the Council's thanks to our communities and residents for such heart-warming and positive support for the district's response to the Ukraine crisis.

THERE WAS NO SUPPLEMENTARY QUESTION.

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

Please could we have an update on the numbers and progress of settlement for Afghan refugees including whether the district is participating in the Afghan Citizens Resettlement Scheme which formally opened in January?

ANSWER:

Thank you for your question. KCC and the Council's housing teams have provided the following information:

We agreed to accommodate 5 households and our Allocations Team successfully identified 5 properties before the end of 2021 and passed these details to KCC and to the Home Office to offer to Afghan households. The 5 households have already moved in and will be receiving ongoing support from

the council, Migrant Support and the Home Office, KCC and other local agencies.

In terms of the detail of interest to members:

- 22 people are resettled in Folkestone (across the 5 households).
- Of the 5 households – 4 are Afghan Relocations and Assistance Policy (ARAP) and 1 is Afghan Citizens Resettlement Scheme (ACRS).
- The last family took up residence last month.

In terms of the Afghan Citizens Resettlement Scheme, this is an ongoing initiative with attention given from council officers.

SUPPLEMENTARY QUESTION:

Given the focus on assisting refugees in the district, and the disparity in numbers, will the council consider increasing the number from 5?

ANSWER:

The difference is that the council had to find the accommodation for the 5 people, whereas for the Ukrainian situation, people were asked to come forward and volunteer their homes.

6. From Councillor Keen to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building Control

With our first Bank Holiday just weeks away and summer just around the corner can we please be assured that the streets of Folkestone will not become full of litter and weeds and that appropriate street cleaners are deployed in the area of most footfall, and that weeds are dealt with when they are actively growing and not at the end of the season?

ANSWER:

Thank you for the question.

I would highlight some of actions that are being by the street cleansing service taken to prepare for the summer. Firstly, we are ahead of others, as from 4 April Veolia move to the extended summer working hours (6am to 10pm) so the street cleansing coverage will increase. Veolia will also, in advance of Easter, be deploying large capacity bulk bins at key locations along the coast to supplement the existing litter bins. In summer of 2020, the council deployed 10 bulk bins to provide additional bin capacity. Last year, this was increased to 31 along the length of the coast and we will be looking to deploy a similar number this year. Finally, a district-wide weed spray has been scheduled to start on 11 April, allowing for 2-3 sprays per year. In the meantime Veolia have been working on weed removal in the main car parks.

THERE WAS NO SUPPLEMENTARY QUESTION.

7. From Councillor Keen to Councillor Godfrey, Cabinet Member for Housing and Special projects

Under current legislation Landlords, both public and private, must give to any prospective tenant who takes a tenancy the following documents

- 1 - Assured Shorthold Tenancy
- 2 - Energy Performance Certificate
- 3 - Valid Gas Safety Certificate
- 4 - A copy of the Government's 'How to Rent' Guide.
- 5 - *For all new tenancies after 1st July 2020 and for all existing tenancies after 1st April 2021*): have had the property's electrical installations inspected and tested by a qualified and competent person, completed any necessary remedial work and supplied a copy of the report from the person conducting the inspection and test to the new tenant before they occupied the premises, or the existing tenant within 28 days.

Without fulfilling these statutory obligations, except number 3, no tenant as the law and legislation currently stands can be evicted under a s21 notice. Would it be possible for the Council to request these documents as part of any claimant making a Housing Benefit Claim via the council? Doing so would allow the council to build up a database on property owners who were compliant [most are], but it would also allow the Housing Enforcement Team to at first nudge any non-compliant property owner and landlords to fulfil their obligations and if they don't then take any necessary steps to penalise them in the most appropriate manner. Furthermore, over time it would allow the Council to build up a good picture of the state of housing across the district in both the public and private sectors, which would be a useful tool and database.

ANSWER:

Thank you for your question.

The Council should not ask for excess information for Housing Benefit claims that is not required to make a decision on entitlement. A tenancy agreement may be required as evidence but further certificates are not required to make a decisions on Housing Benefit and therefore should not be requested.

Most new claims for Housing Benefit for working age households would also be made via Universal Credit and therefore not via the Council.

In terms of enforcement, the Council's Private Sector Housing Team have a range of powers available to deal with landlords who fail to maintain their properties, including prosecution and the use of fixed penalty notices. We are committed to taking strong action against any failing landlords, but requesting additional documentation via the housing benefit system is not a viable option for the Council.

As a point of information, we will no longer be issuing short term penalty notices going forward.

SUPPLEMENTARY QUESTION:

If the council had a selective licensing policy, could they force landlords to provide the necessary paperwork and documentation, making landlords accountable and protecting tenants?

ANSWER:

I would have to take legal advice on that one on whether we could enforce that.

After the meeting, the following response was provided:

The Government has produced detailed guidance on the use of selective licensing by local authorities. Selective licensing can only be used in areas where:

- There is a high proportion of private rented properties (the Government suggests more than 19% of the homes in the proposed area should be private rented);*
- There is low demand for housing;*
- There are significant anti-social behaviour issues;*
- There are poor property condition issues;*
- There are high levels of migration;*
- There are high levels of deprivation;*
- There are high crime rates.*

Local authorities are required to seek Government approval before implementing a selective licensing scheme and must evidence that they have explored all other potential solutions, before making a request to implement such a scheme in their area. Based on the Government's criteria it is unlikely that the Council would be successful with such a request. Selective licensing cannot be used purely as a tool to require landlords to submit the necessary documentation for their property.

The Council does operate a specific licensing scheme for Houses in Multiple Occupation (HMOs) across the district. The scheme requires this group of landlords to register with the Council so that a detailed inspection of their property can be completed by the Council. As part of this process, they are required to provide documents such as gas and electrical safety certificates for their property. The Council's assessment also covers fire safety measures and the overall management arrangements for the property. The scheme ensures that HMOs, often occupied by the most vulnerable people in the community, are provided to the highest possible standard.

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

Please could you outline what community plans, projects or improvements are to be funded from this years allowance from the New Homes Bonus funding?

ANSWER:

Thank you for your question.

New Homes Bonus is funding provided to us by Central Government which incentivises housing growth in the area. There are no specific requirements as to how the funding is utilised by the authority. This year funding was utilised to support the continuation of our many important services and the delivery of our ambitious corporate plan, as you will know from the budget setting process limited growth in budget allocations was agreed for 2022/23. NHB does not directly fund any one initiative or project in our area, but instead has been utilised to support our essential front line services and ambitions for the district.

THERE WAS NO SUPPLEMENTARY QUESTION.