

**Council – 29 September 2021**

**Councillor questions:**

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

Councillor Monk will recall the various comparisons, concerning the pros and cons of the original Martello Lakes site and Prince's Parade as the site for the new swimming pool in Hythe. In a letter from Tibbles dated the 19th March 2018, the Council's consultant, dismissed the site at Martello Lakes because the swimming pool could not be completed before 2022. Given the latest predicted completion date for the swimming pool of 2024, bearing in mind the works have not yet started and are dependent on the outcome of a public inquiry, will Councillor Monk publicly apologise to the people of Hythe for denying them their new pool for 2 or 3 years longer than necessary?

**ANSWER:**

Thank you for your question.

You will be aware that a number of locations were considered as to the location of the pool however apart from the timetable the assessment at the time also concluded that the location and accessibility was not ideal for the Martello site as well as the timelines considered at the time. Councillor Martin will be aware that not only does Princes Parade provide a new leisure centre including a swimming pool, gym, exercise space and a café, it also provides play areas, a widened promenade which can be enjoyed by all members of the community with free and open access to the beach, enhanced play facilities, a new play facility at the western end of the development and the opening up of the site for public recreation. It will also deal with a site that is a former waste tip and much of which is inaccessible. The vision will create a fantastic open space and facility which can be enjoyed by both residents and visitors to the area.

In terms of your specific question, you will of course also be aware of the effect of the pandemic and that the site at Martello is itself suffering from delays. However, the site at Princes Parade would ideally be expected to be nearing conclusion by now were it not for the failed judicial review which has delayed the project for nearly 2 years. It is extremely frustrating that the actions of a minority have delayed this fantastic project and also have delayed the people of Folkestone & Hythe from getting the pool they deserve. I do agree with Councillor Martin that the people of Hythe deserve an apology, but that should be made to **all** district residents, not by the Council, but by those who have sought to unnecessarily delay this project and continue to do so.

**SUPPLEMENTARY QUESTION:**

With regard to the site at Martello lakes, why has the Leader repeatedly refused to answer my question as to why he wants that site to revert to the developer rather than the people of Hythe for the sum of £1.

**ANSWER:**

I have not had that specific question put to me. There is an answer, and I will provide this to Councillor Martin.

*Following the meeting, the following response was provided:*

*The purpose of the land offer was to provide a leisure facility in the area. As I have previously stated, this land was not needed for that purpose because the locality was not suited to the requirements of the council and the facility is being built at Princes Parade. Instead, the council is receiving a significant S106 sum from the developer in order to further the proposed scheme.*

*A further response was then provided to Councillor J Martin, stating that: "although the S106 agreement was not clear, the option was to have the land at Martello Lakes for £1 together with the financial contribution only if planning permission was sought for that location. As planning permission was sought for Princes Parade (which the Council owns) for a variety of reasons as previously set out, then it is the financial contribution only which will be received with the land being released back to the developer. Whilst it remains open to the Council to pursue an application at Martello Lakes that is not the current plans".*

**2. From Councillor Wade to Councillor Collier, Cabinet Member for Property Management and Grounds Maintenance**

A lot of people are very concerned about Environment Agency works at Mill Leese in Saltwood. The Agency intends to cut down trees on the old railway embankment. The reason given for this is so that the Engineer can inspect the embankment for stability but as the Mill Leese stream forms only a very shallow pool when stopped up and very infrequently the need for this work seems doubtful.

Please can you set out your understanding as to why this work cutting down trees is to be done and confirm that you are not aware of any plans to form a permanent reservoir there?

**ANSWER:**

Thank you for your question.

Officers have sought clarification of the works required and the justification for the works and the Environment Agency have provided copies of both the vegetation plan and the ecological assessment. The Environment Agency is obliged to carry out any works that the panel engineers demand of them as

well as undertaking safety works for the general public or personnel/contractors on site. The section 10 and 12 reports produced by the Panel engineers are protected from being shared by The Reservoir Act. However, it is our understanding that the Environment Agency are clarifying with their legal team if they can release these reports.

The reservoir at Mill Lease provides an important flood defence to the Hythe and Sandgate areas geographically below the reservoir, and the effective management of this asset ensures the safety of a considerable number of business and residents. Although we cannot see the report to justify the works, critical safety and management works are expected to be needed to continue the life of this important asset.

The management plan and ecological report details the measures put in place to minimise impact, to support the environment and to ensure the works are appropriate. This includes the protection of protected species such as bats.

If the Environment Agency release the sections 10 and 12 reports then I have asked that FHDC receives a copy for review.

The council is unaware of any proposal to turn this area into a permanent reservoir.

#### **SUPPLEMENTARY QUESTION:**

We look forward to receiving the further information from the Environment Agency if it is able to be obtained. The problem is that it looks completely disproportionate that the Environment Agency is talking about felling mature trees for a point of safety, when in fact, the public do not go there. Also removing immature trees to enable inspection, when Mill Lease is a puddle that forms for a few days a year. Do you regard this work as appropriate?

#### **ANSWER:**

It is obviously difficult to comment, it would be preferable if we could obtain this requested information from the environment agency. I don't dispute what he Councillor Wade is saying, but this work would safeguard the environment agency in the event of injury. I hope that we will be able to obtain more information from the Environment Agency, and if we are able to, we will share this with all members.

### **3. From Councillor Meade to Councillor Whybrow, Cabinet Member for the Environment**

The Queens Canopy project for her 70th Anniversary is starting in a few weeks time to plant trees throughout the UK and indeed the world to increase biodiversity. Councils and corporations are being encouraged to take part and identify areas and plant trees to celebrate the Queens reign and also help tackle climate change. Can you please tell me what District council have

planned to take part in this ground breaking project which could affect all of our lives in a very positive way?

**ANSWER:**

Thank you for your question.

Officers are looking at this scheme to see how best we can use it to mark the occasion of the Queen's Platinum Jubilee.

While it wouldn't be practical for the council to store and look after large numbers of saplings for the public or community groups to collect and plant, officers are looking at whether the council can signpost people to available resources. Clearly work does not end when the trees are planted, and we must ensure that there is adequate aftercare and long-term maintenance so that the trees can reach maturity.

Officers have also highlighted the Queen's Green Canopy scheme to some 700 community groups to gauge their interest in planting and long-term maintenance, and there have been some positive responses to date from parish councils.

Council officers are also considering if a 'special tree' can be planted in each of the district's principal parks and they are considering if this can also be incorporated into the council's Memorial Tree Policy so that people can donate a tree to family members they have lost.

There is also potential for the council to include tree planting in the council's own housing and regeneration schemes as part of the Queen's Green Canopy initiative; these could then be marked with plaques and included on the Canopy's interactive map.

Once officers have worked through the implications of the matters above, members will be asked to make a decision on the matter and associated communications will be made.

**SUPPLEMENTARY QUESTION:**

Could we request that this be done ASAP, as the tree planting would be starting in a few weeks time?

**ANSWER:**

I am sure that officers are aware of this, but I will remind them.

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

Councillors are still receiving complaints that the normal waste collections by Veolia are being missed. Can we please have an update regarding the Veolia

waste collections and whether a meeting between Folkestone and Dover (who are both being affected by the issues) has taken place and what the justification of re-introducing the garden waste service is when normal collections are not yet under control?

**ANSWER:**

Thank you for your question.

I have not received any complaints from Councillors for a few weeks, so please remember to copy me in if you are liaising with officers direct. Daily reports were being published, and 100% collection rates were being achieved.

The garden waste service was suspended on 22 July 2021 after the contractor Veolia reported to the council that due to a shortage of HGV licensed drivers, and the immediate impact of a large number of Covid-19 related absences, they could no longer adequately support the collection of all waste streams (refuse, recycling and food). The suspension of the garden waste service allowed for available drivers and crews to be transferred to support the priority refuse and recycling core rounds and ensure continuity of those services. The news was now showing that the HGV driver shortage was being felt across Europe.

Since that point, Veolia have thankfully been able to recruit more HGV drivers, and introduce an active training programme, which helped to initially stabilise the service and then improve round completion. Rounds are now regularly being completed in full and the Waste Team have been working with Veolia to resolve the repeat missed collections to properties that experienced problems. The service is not perfect but is greatly improved, which is evidenced by a much lower number of missed bins being reported. We continue to push Veolia hard to make the further necessary service improvements.

Garden waste services restarted earlier this week. The council always saw the suspension of the service as a temporary measure but did not wish to commit to restarting the service until Veolia had recruited a sufficient number of HGV drivers to fully support the core collection rounds **and** run with a reserve contingency of drivers to cover unexpected absences. Even then, and mindful of national situation with HGV drivers, we held off restarting the garden waste service until Veolia had demonstrated a consistent level of available drivers over a number of weeks. Clearly, the risks from Covid-19, the national HGV driver shortages as well as other supply chain risks remains high. Further service disruption cannot be completely ruled out but we have taken a very careful and considered approach to restarting the garden waste service, and only done so when the main collection services showed significant signs of improvement.

You also asked for an update about a joint meeting with DDC. Regular meetings were taking place with DDC, but I assume you refer to the joint Overview and Scrutiny meeting that was a recommendation from the recent Task & Finish Group. I thank them for their recommendations. This has been

raised with officers at DDC, who are discussing the matter with the Members of the Overview and Scrutiny Committee at DDC.

**SUPPLEMENTARY QUESTION:**

The last time we spoke about waste collections, I asked whether any monies that we get back for the non-delivery of the service that was being paid for by residents would be ring-fenced. Could Councillor Peall please explain when residents will get their refunds for the waste collections that were stopped, and also for the service that was not received but was paid for by residents during this time?

**ANSWER:**

A report would be considered by Cabinet in October regarding the garden waste rebate process. With regard to the wider service, there was a conversation to be had with Dover District Council. There would not be a short term solution to the situation.

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

It's positive to see the council's commitment to housing Afghan refugee families in our district. Please could we have an update on how this work is progressing?

**ANSWER:**

Thank you for your question. In line with the Council's commitment to provide homes for 5 Afghan households in the district, the Council has identified 5 suitable properties and these have been referred to Kent County Council and the Home Office, so that the necessary arrangements can be agreed with the respective landlords. Two of the properties also require some improvement works to get them to the necessary standard for people to occupy. We anticipate the first Afghan household will be moving into a home in the district over the next few weeks. Once suitable properties are ready, the timeframe for the households moving into them is determined by Kent County Council and the Home Office.

Council officers are also aware of various associated support packages for families on matters such as employment and training opportunities and the development of language skills, and the necessary signposting to this support will be undertaken to ensure that families settle in the district as soon as is practicable.

We have also provided information on our response to this initiative on the Council's website. The information includes details of how landlords with suitable properties can make contact with the Council, and also how people in the local community can help out on a voluntary basis to assist the households to settle in the district.

**SUPPLEMENTARY QUESTION:**

Could you just say a bit more about the engagement of the local community in supporting families?

**ANSWER:**

As I said in my answer, it is arranged by KCC, and the information you require is in the press release on the website.

**6. From Councillor Keen to Councillor Collier, Cabinet Member for Property Management and Grounds Maintenance**

Can councillors receive updates on the condition and cleaning rotas of council managed toilets in their wards to be better placed to engage with resident concerns and complaints?

**ANSWER:**

Thank you for your question.

The district council has 23 toilets across the district split into two operations; 4 are seasonal toilet blocks open for the summer months (1st April – 30th September) and 19 toilet blocks are open all year round.

All toilets are scheduled to receive 3 visits per day, 7 days per week.

In addition to this the council has agreed to £400,000 in capital funding to refurbish public toilets throughout the district over the next two financial years. Works will start on some blocks during the quieter winter periods. Further funding is set aside for an additional toilet facility at the Coastal Park and Coast Drive Car Park (subject to planning permission).

**SUPPLEMENTARY QUESTION:**

Can we, during the summer season, employ a full time cleaner on our busier sites, in order to provide clean and sanitary conditions for residents and visitors to use? By the end of the day, the facilities we have are in an unsanitary condition. I sincerely hope that the toilet block we are providing at the coastal park also has disabled facilities, as at present, there are no disabled facilities to serve the beach huts.

**ANSWER:**

The suggestion that there should be more frequent cleaning has a budgetary implication. I'm happy to explore this with officers. As far as the additional toilet block in the coastal park is concerned, there will be disabled facilities in that block.

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

What position does this council take with regards to national landlords, who with no regard for local communities, look to force out long standing businesses from trading in our district?

**ANSWER:**

Thank you for your question.

This Council is 'pro business' and would not actively support a landlord whose actions result in the withdrawal of long-standing businesses in our district and the loss of local employment opportunities.

I am sure you will appreciate that there are limited ways in which the council can intervene directly between a landlord and tenant business outside of our regulatory responsibilities.

The Council is however pushing ahead with a range of interventions which are aimed at supporting and growing local businesses including:

- New employment space at Mountfield Road, New Romney
- The district wide High Streets Fund
- Growth opportunities for business in East Folkestone through the SME Business Grants Scheme

The Folkestone Works website is an excellent resource and provides details of all support available for new and growing businesses including help to find new business premises.

If you know of any businesses which are having problems with their current premises please pass on details to our Economic Development Team who will be pleased to provide any help possible.

**SUPPLEMENTARY QUESTION:**

I will be getting in touch, as I know of three businesses looking for a home. There is an area on the council's website where concerned residential tenants who have concerns over their landlord can go for support. Is there something similar for commercial tenants?

**ANSWER:**

Yes, if you contact the Economic Development team, they are proactive in helping businesses. We recently helped a business in Mountfield Road who were struggling with business rates. We do our best to help any business, but they need to approach us. I would advise any business to please contact the Economic Development team, either through me or directly.



**8. From Councillor Davison to Councillor Collier, Cabinet Member for Property Management and Grounds Maintenance**

The Folkestone town sprucer team and the district's area officers have been dealing with the fallout from the Veolia contract failings. Unfortunately seasonal area officer contracts are due to come to an end and the town sprucer currently receives no funding from the district council. What steps are being taken to ensure our districts public spaces remain tendered to over the winter months?

**ANSWER:**

Thank you for your question.

The Seasonal Area Officers were intended as an additional resource for the summer months and were funded from the Welcome Back Fund, a government grant to support high streets re-opening across the district. The main Area Officer Team continues to work hard across the district to support our Grounds Maintenance Teams and Veolia to look after the range of public spaces that fall within the council's responsibility. This autumn and winter, the Area Officer team will continue their graffiti removal programme, as well as continuing to work with voluntary groups to arrange community litter picks, which are returning in strength following the pandemic.

Veolia will shortly be starting the autumn leafing schedule and the last of the new street cleansing vehicle fleet, sweepers and equipment will be arriving shortly making a total investment of £1m in new street cleansing equipment made this year.

Grounds Maintenance which maintains the parks and open spaces, continue to operate as normal for the winter period, this in conjunction with the council's Engineering & Buildings team who help maintain all of the council's assets.

**SUPPLEMENTARY QUESTION:**

We have appreciated the work done by those teams recently, and at all times.

I raised the question of the Folkestone Town sprucer in my question, which was not responded to. Would the Cabinet Member or officers be willing to meet with the sprucer and myself to discuss the work that they do and see what further support they could receive from the council?

**ANSWER:**

At the present time, we feel our own teams are managing sufficiently. If there were a clear need for additional resources, which we were unable to secure internally, we would perhaps look at the services of the town sprucer.

Personally I don't think it would be appropriate to do this at this time, but I am happy to raise this with officers.

**9. From Councillor McConville to Councillor Monk, Leader of the Council**

If issues persist with reduced supply chains of fuel, what if any, implications will this have for the delivery of council run services?

**ANSWER:**

Thank you for your question.

All category 1 and 2 responders (including local authorities) are expected to maintain at least ten days of fuel supply in reserve. At the time of writing the council has 14 days of normal working fuel requirements in reserve and there are no current reports of any disruption to council services.

To date the National Emergency Plan for fuel (NEP-F) has not been enacted and FHDC will work as per its business continuity plan should that be required. The Kent Resilience Team (KRT) are continuing to monitor the situation and FHDC will participate in any coordination groups that are set up for this short term disruption. If problems persist FHDC will work with the KRT to ensure critical services continue to operate as appropriate.

**SUPPLEMENTARY QUESTION:**

What do we have in terms of security for our supply, to protect against theft?

**ANSWER:**

I do not have that level of detail, but will get a written response.

*Following the meeting, the following response was provided:*

*Our main supply of white diesel is held in a large tank at Ross Depot in the Veolia yard next to their tank. This is a secure fenced and gated facility. We have other red diesel tanks that are also located in secure depot locations around the district. Any petrol stores that we have are all in fuel stores in locked alarmed buildings.*

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

Please can we have an update on the progress against planning conditions put in place as part of the permission for the Leas pavilion development?

**ANSWER:**

Thank you for your question. To date the applicants have not applied to discharge any of the related conditions and officers therefore have not yet

seen any details. Officers will continue to liaise with Kent County Council and the developer to ensure that information and signage during the construction phase is in place as required.

**SUPPLEMENTARY QUESTION:**

What further action has the council taken in relation to the outstanding concerns raised by the community about the impact of development work, such as: the lack of disabled access to the temporary walkway that is in place on Longford Terrace; non-replacement of street signs since the hoardings went up; blocked access to pavements on Longford way, at the back of the development; and poor sightlines turning from Cheriton Place to the Leas.

**ANSWER:**

I'll provide a written answer for you.

*Following the meeting, the following response was provided:*

*The Council has encouraged the developers to work with KCC, the responsible authority to ensure these matters are addressed. Officers will pass these concerns onto the developer and KCC for their attention.*

*To date no works requiring the approval of the District Council have taken place.*

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

How can the council safeguard against offices being turned into housing under permitted development rights without any ability for the council to look at infrastructure needs such as GP surgeries or getting any community benefit through funding for community projects?

**ANSWER:**

Thank you for your question.

The Government's changes to permitted rights are designed to increase the supply of housing. The basis behind the office to residential conversion (excluding external changes) is that Office and residential uses are often considered appropriate neighbours in terms of residential amenity considerations.

The means by which to 'safeguard' or prevent Office to Residential conversions under permitted development rights would be to put in place an Article 4 direction, which would remove the Permitted Rights in certain locations.

The National Planning Policy Framework (NPPF) as revised by the Government has put in place stringent tests for the granting of such directions by the Secretary of state.

In seeking a direction the Council would need have strong evidence of harm caused by the permitted rights.

It should be noted that the rights brought into effect from 1 August 2021 impose stricter tests on such PD applications and allow officers the opportunity to consider a wider range of issues and impose conditions if necessary – but not legal obligations (s106).

As a CIL charging authority it is likely that many office to residential conversions, even if they were subject to a full application, would not generate a CIL charge due to certain exemptions for existing buildings. For example, the conversion of existing buildings that do not create more than 100 sq. m. net additional gross internal floorspace fall below the threshold of where CIL can be applied in accordance with the regulations. As a CIL authority we cannot seek a s106 for infrastructure that would be covered by CIL and in town centres would be limited in most cases to affordable housing or open space.

Furthermore, the majority of Folkestone town centre falls within zone A of the Community Infrastructure Levy Charging Zones map whereby a CIL rate of £0 sq m applies (Figure 2 in the appendices refer). The justification for the £0 CIL rate is that schemes for residential development within this zone would not be viable (and thus deliverable) if a CIL levy charge were applied. The categorisation of zones and their spatial extent is based on independent viability evidence that supported preparation and adoption of the Council's CIL Charging Schedule that came into effect in August 2016.

**SUPPLEMENTARY QUESTION:**

None.

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

I have been asked by a constituent to ask you Councillor Monk, why you have repeatedly refused to accept his petition asking you to cease all works on Princes Parade until the outcome of the public inquiry is known.

**ANSWER:**

Thank you again for your question.

I have written separately to your constituent.

The council's constitution is clear on the process for submitting petitions and I would encourage you to refer your constituent to use the formal mechanisms we have established in order that processes follow robust legal approaches.

**SUPPLEMENTARY QUESTION:**

I have been a member on this council for 2 and a half years, and I've never seen a petition presented to Council. I feel that is choking the democratic rights of the people of the district. There are petitions to be brought, but the council's constitution prevents their presentation. Will Councillor Monk change this system?

**ANSWER:**

We are always open to making changes, and I feel that very shortly we will have to address a lot of things that have come to light in the last two and a half years, in the way we proceed with this council. I think they will all come together, and that particular issue with petitions can be raised at that point.