

Meeting: **Council**
Date: **28 September 2022**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

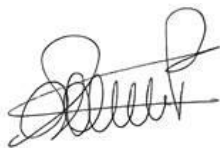
To: **All Members of the Council**

YOU ARE HEREBY SUMMONED to attend a meeting of the Council on the date and at the time shown above.

Anyone who wishes to have information on any matter arising on the Agenda which is not fully covered in these papers is requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.



Dr Susan Priest
Chief Executive

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 7 - 8)**

Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

Members of the Council should declare any discloseable pecuniary interest or any other significant interests in any item/s on this agenda.

3. **Minutes (Pages 9 - 14)**

To receive the minutes of the meeting of the council held on 27 July 2022 and to authorise the Chairman of the Council to sign them as a correct record.

4. **Chairman's Communications**

5. **Petitions (Pages 15 - 16)**

A petition asking for the path between the Seaview Bridge and the Tram Shelter on Princes Parade has been received and has a total of 284 signatures. As per the petitions scheme, set out in part 4 of the constitution, petitions which receive more than 250 signatures can be presented to a meeting of Full Council.

6. **Questions from the Public**

1. **From Mr Andrew Barchi to Councillor Mrs Hollingsbee, Deputy Leader of the Council and Cabinet Member for Communities**

B.T. is in the process of digitalising its residential tel nos. The effect of this can be to cut off ones lifeline without warning. This has already happened to many 000s. Your lifeline reputation is very good but one emergency call not answered could destroy that. Will you, as Folkestone and Hythe District Council, ask BT give you its forward program so that you & your customers can be warned & central control be prepared? BT will no doubt be very reluctant to do that but you must insist. One death, and you have saved many, would abolish your reputation. There are solutions but they are often individual to each BT customer.

7. **Questions from Councillors**

(Questions can be found on www.folkestone-hythe.gov.uk from noon 2 days before the meeting, on Modern.gov, under the agenda for this meeting).

Up to 45 minutes is allowed for questions from councillors.

8. **Announcements of the Leader of the Council**

To receive a report from the Leader of the Council on the business of the cabinet and on matters that the leader considers should be drawn to the council's attention. The leader shall have 10 minutes to make his announcements.

The opposition group will have an opportunity to reply to the leader's remarks. The opposition group leader shall have 5 minutes to respond after which the Leader of the Council will have a right of reply. Any right of reply will be for a maximum duration of 5 minutes.

9. **Opposition Business**

The Labour Group has raised the following matter:

Council Resolves

- To agree a programme of prospective councillor information and events.
- This programme should include:
 - Both in person and virtual events at various dates and times between now and the deadline for close of applications.
- Events should have officers and councillors in attendance to both answer questions and offer insight into the day to day processes of being a councillor and also hear first hand the pros and cons associated with the life of a councillor.
- A comprehensive package of information detailing (but not limited to)
 - The remit of the council
 - How to become a councillor, election timetables
 - Election processes, expenses, ballot papers etc
 - Councillor Job description
 - New councillor training.
 - Council meetings.
 - Other possible roles/commitments as a councillor.
 - How council decisions are made and a decision making structure
 - Major projects and their implications.
 - Current Plans and Policies
 - A regular communication stream reminding residents of
 - The election in May and key associated dates.
 - The opportunity to become a councillor
 - what the council is responsible for (as opposed to KCC etc)
 - The prospective councillor programme and how to get involved.

Debates on opposition business shall be limited to 30 minutes. If the time limit is reached or the debate concludes earlier, the leader of the group raising the item shall have a right of reply.

The Council shall:

- a) Note the issue raised and take no further action;
- b) Refer the issue to the cabinet or relevant overview and scrutiny committee, as the case may be for their observations before deciding whether to make a decision on the issue;
- c) Agree to examine the matter as part of a future scrutiny programme;
- d) Adopt the issue raised by opposition business provided that the decision so made is within the policy framework and budget.

10. **Motions on Notice**

The following motions have been placed on the agenda in the order received; up to 60 minutes shall be allowed for debates on motions on notice:

1. **From Councillor Whybrow (Green Group)**

Residents are deeply concerned about water quality and the impact of regular wastewater discharge, which includes untreated sewage, into our local rivers and seas and the impact on wildlife and on human health.

Releasing sewage into our seas and rivers is no longer an emergency-only situation occurring as a result of severe storms, but an everyday occurrence even in 'normal' rainfall, and that we are in a situation of cumulative overload on the sewage and wastewater system.

According to the Rivers Trust in 2021 there were 20 spills in our district over a period of 164 hours.

Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by Southern Water or by national government.

Both the local and national planning policy requires a robust approach to both water quality and pollution and a recent legal opinion from the Environmental Law Firm confirms the need to consider cumulative impact. Yet planning consultation documents show that it has not been the practice of council planners to ask Water Companies to report on cumulative impact i.e. whether or not development may lead to any potential increase in 'emergency' discharge into rivers and seas.

This Council resolves to:

1. Recognise this Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution,

2. Make sufficient resources available to work proactively with the statutory authorities to ensure that an evidence base is compiled that assesses the cumulative impact of sewage discharge so that this is factored into decisions made in new iterations of the local plan, including the overall level of future development.
3. Seek to better understand the cumulative impact of wastewater discharge including untreated sewage on our local rivers, wildlife and the health of our residents.
4. To take a lead on addressing this issue, working constructively with other agencies.
5. Ask Southern Water, from this date onwards, in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
6. Request that planning officers, from now onwards, include in all reports relating to major development a specific section on the impact on watercourses including the potential for the development to affect sewage outflow into watercourses (i.e. cumulative impact), or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.

11. **Update to the General Fund and Housing Revenue Account Capital Programmes (Pages 17 - 22)**

This report updates the General Fund and Housing Revenue Account Capital Programmes for changes which have occurred since the Council approved the budget for these on 10 and 23 February 2022 respectively. Changes to the Capital Programme, including updated Capital Prudential Indicators, are required to be submitted to full Council for consideration and approval.

12. **Regulation of Investigatory Powers Act 2000 - Policy (Pages 23 - 58)**

This report sets out the Council's policy on the use of directed surveillance and covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

13. **Report to Council on a decision made in accordance with the constitution's call-in and urgency rule (Pages 59 - 60)**

The constitution provides that, when an urgent decision is made by the Cabinet or Cabinet Member, for which any delay in implementation, likely

to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.