

**Council – 28 September 2022**  
**Councillors' Questions and answers:**

**1. From Councillor Whybrow to Councillor Godfrey, Cabinet Member for Housing and Special Projects**

Can I please have an update on the Princes Parade development?

**ANSWER:**

Thank you for your question.

The Pre-Contract Services Agreement (PCSA) with BAM has enabled a range of facilitation works to be carried out prior to executing the main contract which is anticipated in October. These facilitation works have included:

- 1) Reptile fencing & badger sett relocation
- 2) Badger sett closure
- 3) Reptile relocation
- 4) Removal and disposal of Giant Hogweed
- 5) Site vegetation clearance
- 6) Site hoarding
- 7) Canoe club relocation design
- 8) MMO licence application
- 9) Embankment testing and liaison with Historic England
- 10) UKPN Preparatory Design Works
- 11) Southern Water Preparatory Design Works
- 12) Remediation methodology development
- 13) Vegetation Clearance/ flail mowing following re-growth
- 14) Additional Lighting Control Requirements for the new road
- 15) Additional Site Investigation testing in areas previously inaccessible due to sensitive treatment of wildlife
- 16) Negotiation and agreement of on-site remediation implementation plan with independent assessor following site testing

Further to this;

Pre-commencement planning conditions have now been cleared at committee. Final notices are being prepared and will be issued shortly. One item; condition 25 (c) is awaiting sign off under delegated authority.

The application for a licence from the Marine Management Office (MMO) was submitted in February. We anticipate it will be issued in October. This is required in connection with their remit in respect of management of the beach area.

The Section 38 agreement (new road adoption) with Kent County Council is agreed in draft form and close to being ready for execution.

**SUPPLEMENTARY QUESTION:**

When this project came to Cabinet back in January, the risk assessment said that the construction price would be fixed, and therefore the risk would be with the contractors. However, I understand this was only for foreseen risks, so if there are any unforeseen risks, the council will have the risk, not the contractor. Were you aware of that when you approved the report back in January?

**ANSWER:**

We are looking at risks all the time, and I am not aware of any risks we haven't taken into account.

**2. From Councillor McConville to Councillor Goddard, Chairman of the Planning and Licensing Committee**

In light of the recent successful appeal of the McDonalds planning application in the Cheriton Tesco, how many incidents have there been since May 2019 where the planning committee has voted against officer recommendations that has then led to a successful appeal of that decision and what is the current financial cost of this to the council?

**ANSWER:**

Thank you for your question.

- Total number of decisions against officer recommendation by committee: 19 (11%) of 161 agenda items.
- Number of subsequent appeals: 5
  - Of which:
    - Dismissed on appeal: 1
    - Allowed on appeal: 2
    - Invalid due to late submission: 1
    - Number in still in progress: 2

Of those allowed, two have been awarded costs by the Secretary of State for unreasonable behaviour by the Planning & Licensing committee:

- 20/0938/FH – Proposed McDonalds – Costs not yet claimed
- 20/1212/FH – 2 Willop Close – Costs not yet claimed

At present a detailed figure for the financial costs to the Council cannot be provided as neither successful applicant has yet put to the Council their claim for costs. There would of course be a cost to the Council in officer time preparing and defending the appeals.

**SUPPLEMENTARY QUESTION:**

As part of your committee meetings, do you look at appeals when they have been successful, and do you have any discussion about the process and what has happened?

**ANSWER:**

We have in the agenda pack appeals including negative and positive outcomes, so officers do bring those to the attention of committee members.

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

As in the past I return to the subject of value for money and the lack of risk management in our budgeting. I refer specifically to the figures in "Statistical Bulletin October 2021" prepared by Kent Analytics at Kent County Council: Table 3: Band D area Council Tax for local authorities, which shows that since 2016 FHDC has consistently charged the highest Band D Council Tax in Kent. Does Councillor Monk honestly feel that FHDC has delivered the highest level of service to the people of the District that reflects this consistently high charge?

**ANSWER:**

Thank you for your question.

The answer is yes. I would say that our budget process is thoroughly evaluated for emerging and current risks. This is undertaken through the comprehensive strategic review by officers in updating our medium term financial strategy which evaluates amongst other things contractual changes, renewals, emerging pressures, legislative changes known and anticipated, as well as the wider economic impacts. Furthermore, there is opportunity to evaluate and consider risk and value for money through the rigorous budget setting which is presented to and scrutinised by cross party members throughout the winter before being presented for adoption in February.

This council has consistently sought to protect front line services to our residents despite the challenging funding environment of Local Government. We have remained ambitious for our district, delivered key corporate priorities such as the adoption of the Core Strategy (many don't realise how important this is), as well focusing on our future with projects such as Otterpool Park, and added to our baseline customer facing services such as through the growth of our welfare team to support those most vulnerable in the district and enhancing our community offer making additions to our public convenience and community support teams after listening to our residents and their needs. In addition we are the only Kent Council to have been in a position to earmark a substantial sum (£5m) to tackle Climate Change, and this is following our effective management of the councils finances and reserves.

**SUPPLEMENTARY QUESTION:**

In respect of the £100 mill borrowing for Otterpool Park and the £26K paid to the reuben brothers, there is no comparative data available on council debt, but I'm interested in knowing is how much local people will have to bear the cost of interest rate rises?

**ANSWER:**

That is a facetious question. All debt in all reports is thoroughly listed and reported properly and prudently.

In the overall borrowing we believe, and it will be proved in time, it will make this council in the future very stable, which will be of benefit to the whole district for many years.

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

It is a great cause of concern amongst the people of Hythe, that while there are a great number of parking restrictions in Hythe, there is very little enforcement, can Councillor Monk explain why?

**ANSWER:**

Thank you for your question.

Two officers are deployed each day to cover car parks and on-street locations in Hythe. Our records show that 437 penalty charge notices have been issued in Hythe between July and September this year. Officers will continue to prioritise patrols in Hythe, and where there are persistent issues, targeted enforcement is now being provided. We expect that with our targeted approach, the message will soon go out that there is zero tolerance for illegal parking in Hythe.

**SUPPLEMENTARY QUESTION:**

While I agree with Councillor Monk, I am wondering how many were tickets issued for parking in car parks. I am interested in on-street enforcement.

**ANSWER:**

Duly noted.

5. **From Councillor Shoob to Councillor Collier, Cabinet Member for Property Management and Grounds Maintenance**

There is huge public interest in what will happen to the Edwardian red brick corner of Folca, formerly home to Debenhams. A survey conducted by the New Folkestone Society has had a huge response, with an overwhelming majority of those responding saying they do not want to see the loss of the current building. Will the council formally consult and listen to the public prior to next steps, or is demolition of this high street landmark now a done deal?

**ANSWER:**

Thank you for your question.

As was previously reported in a public press release earlier this year, the design team working for the lead GP practices have worked through all options and the Victorian part of the site isn't capable of housing the range of services that the project seeks to provide. Retaining the building was explored but to fulfil design standards for a modern medical centre, that section of the building will need to be rebuilt to make it suitable for its new purpose.

Residents will have a chance to comment on the proposals, which will seek to reflect the existing design, through a series of public engagement sessions which will be held before a planning application is submitted and will be led by the GP's.

**SUPPLEMENTARY QUESTION:**

Bearing in mind, there is embedded carbon in existing buildings, it is desirable to refurbish buildings rather than demolish, has the council explored other places for a medical centre?

**ANSWER:**

Yes, all alternatives that we are aware of have been thoroughly considered, and the most relevant issue is the location, as it was difficult to find a suitable premises in such a central location.

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

With the cold weather now coming in, can the council please confirm that the 1 day freezing temperature duration will be used again to instigate the Severe Weather Emergency Plan to ensure that any homeless are not left out in dangerous weather?

**ANSWER:**

Thank you for your question.

Yes, I can confirm that the Council's Severe Weather Emergency Protocol will be implemented on any single night, where the temperature is predicted to be at zero degrees or below. We are also continuing our ongoing outreach work with our local partners to assist people in the district who are confirmed as rough sleeping to help them access suitable accommodation and support services.

**SUPPLEMENTARY QUESTION:**

Would it be possible to have the SWEP emergency telephone number and protocol posted on the front page of the council's website when SWEP has

been implemented, as members of the public don't always know who to contact, especially out of hours?

**ANSWER:**

I can pass on this request, but the outreach team are always out and about and know the location of rough sleepers, and they go out and look for them.

**Following the meeting, the following response was provided to Councillor Meade:**

**I can confirm that the Council do already advise that SWEP has been activated through our Website. We also make use of the various social media channels and advise our local partners, such as the Rainbow Centre and Porchlight. As I advised in my response at Full Council, our Outreach Team regularly meet with any known rough sleepers and also work to identify all new cases in the district. As soon as SWEP is activated, the Outreach team works closely with the Council's Housing Options Team to ensure that any person rough sleeping is offered accommodation. The team then also work to support the clients with the aim of helping them move to long-term accommodation and to access the necessary support that they need.**

**7. From Councillor J Martin to Councillor Godfrey, Cabinet Member for Housing and Special Projects**

A constituent of mine has been trying to find out from officers if the Badger Licence for the removal of the Badgers from their sett on Prince's Parade is in place. My constituent has been told by officers that the Council have been advised by their Environmental Consultants Lloyd Bore that my constituent should make a Freedom of Information request to Natural England. So my question is: why are Consultants being allowed to dictate what information should be given to our constituents?

**ANSWER:**

Thank you for your question.

Your constituent asked for 'details of the badger license applied for to remove the badgers'

F&H have not sought to hold details of the badger license. This is because the license reveals details of the location, numbers and activities of the Badgers and their setts which would be useful to persons having hostile or malign intent towards the setts and the badgers themselves. Whilst we are not suggesting these are the motives of Cllr Martin's constituent, as an accountable authority, we need to take a consistent and uniform approach to such requests. Natural England are far better qualified than F&H in this area, to make the appropriate judgement of what information to put into the public domain.

The request to provide details was passed to our professional adviser, ecologist who responded :

*'we do hold a copy of the licence.., Generally speaking specific details regards to badgers and especially their mitigation are not open public knowledge due to previous and more covert current persecution and the deleterious effect of disturbance on badgers should the location be frequently visited by curious people etc. In terms of the ecological soundness of actions, these have to be justified with Natural England and us as ecologists based on survey findings in order to receive a licence, so yes all actions are scrutinised through unrelated/uninvested third parties. We ourselves would not be in a position to provide licence documents directly to members of the public. However, any member of the public is free to make a FOI request from a public body (in this case Natural England). In this instance I would suggest the member of the public make a direct FOI request to Natural England for the information they require. To help the person along, I have included a link to the relevant page that such a request can be made. This should provide them with all the details that they would be permitted to see without exposing us this end to revealing more details regarding the project or the badgers than is meant to be available to the public. <https://www.gov.uk/government/organisations/natural-england#org-contacts>*

**SUPPLEMENTARY QUESTION:**

Can you confirm that the license is in place?

**ANSWER:**

It is in place, as confirmed by the ecologist.

Following the meeting, the response needed clarification on matters of accuracy and therefore the response below was provided to Councillor J Martin:

Yes, a licence was in place for all times that licensable activity was undertaken.

**8. From Councillor Keen to Councillor Godfrey, Cabinet Member for Housing and Special Projects**

In view of our long waiting list for social housing and the high rents that we have within the private rental market in the district, what are the are our plans as a District Council in respect of the construction of much needed Social Housing?

**ANSWER:**

Thank you for your question.

I too share your concerns about the supply of affordable housing and rent levels in the private rented sector. The Council is committed to delivering more affordable homes both for rent and home ownership. Approximately 100 additional affordable homes are due to be provided in the district by the Council and its partners during the current financial year 2022/23, on sites in Folkestone, Cheriton and Sellindge. The Council itself is set to deliver at least 20 additional affordable homes, 15 of which will be available for rent and 5 will be made available for shared ownership purchase. All the affordable rented homes delivered will be let through the Council's Housing Waiting List. We are also working to develop a long-term pipeline of sites to deliver more affordable Council and Housing Association Homes across the district. A report will be taken to Cabinet in November updating Members on the recent tender exercise relating to the Highview Development where the Council plans to deliver 30 new zero carbon in use affordable homes, 25 of which will be for Council rent and 5 will be for shared ownership. You will also be aware that Cabinet received a report at its September meeting outlining the next steps for the former gas works site at Ship Street which is to appoint a design team and submit a planning application next summer.

The Council also provides rent in advance and deposit monies to assist households in housing need to access suitable private rented homes as we recognise that the sector plays a vital role in delivering homes for people across the district.

**SUPPLEMENTARY QUESTION:**

How many council properties have been purchased under the right to buy scheme in the last four years, and what steps have been taken to replenish that stock.

**ANSWER:**

I don't have that answer in front of me, but I will get you an answer on these statistics.

***After the meeting, the following response was provided to Councillor Keen:***

***Over the four-year period 2018/19-2021/22, 50 Council homes were sold under the Right to buy. Over the same period, the Council directly built or acquired 70 Council homes and worked with our housing association partners to deliver a further 128 affordable homes in the district.***

**9. From Councillor Keen to Councillor Godfrey, Cabinet Member for Housing and Special Projects**

What progress has been made with Council Properties that require Energy Performance Certificates?



**ANSWER:**

Thank you for your question.

Following a Stock Condition Survey coupled with data already held I can confirm that for a total portfolio number of 3395 properties we have Energy Performance Certificates (EPC's) for 3189. The remaining properties will all have a valid EPC within the next 12 months.

Under the Housing Asset Management Strategy Objective 3 states the following:

**Improve the energy efficiency of the housing stock and the ways of working that reduce carbon emissions and levels of fuel poverty by achieving a minimum EPC rating of C by 2030 and operational net zero carbon in use (NZC) by 2050 for all of its housing stock.**

Currently, 1238 of our properties fall below EPC D. We have been successful in being awarded a £2M grant from the Department for Business, Energy & Industrial Strategy (BEIS) under Wave 1 of the Social Housing Decarbonisation Fund, to carry out fabric first works to 109 of our worst performing properties to reach an EPC C rating. These will be completed by 31st March 2023.

It is our intention, subject to obtaining the necessary approvals to submit a Wave 2 application when the bid window opens to improve the energy efficiency of more of the Council's housing stock.

**SUPPLEMENTARY QUESTION:**

12 months is a long time, and this is not realistic for those currently struggling with the cost of living. Could we speed this up?

**ANSWER:**

We can look at this, but it would be foolish to say that this can be achieved. We will do our best to deliver this as soon as possible.

~~10. **From Councillor Keen to Councillor Monk, Leader of the Council**~~

~~Would the Council confirm or deny that Otterpool Park LLP have signed contracts with the following Housing developers to build at Otterpool Park Redrow, Barrett, Places for People, Quinn Estates & Pentland Homes? **This question has been withdrawn.**~~

**11. From Councillor Wing to Councillor Monk, Leader of the Council**

In regards to the development at Otterpool Park I would like ask what does the council plan to do to increase easily accessible information for the public so

they can fully understand exactly where the development is today and in the future.

**ANSWER:**

Thank you for your question.

Otterpool Park LLP has a comprehensive website [www.otterpoolpark.org](http://www.otterpoolpark.org). In addition, the business plan for the current financial year LLP is publicly available having been scrutinised and then approved by the cabinet. This sets out what the LLP has done and intends to do this year. The business plan for the LLP for the next financial year will similarly be scrutinised and approved by the cabinet and again will set out what the LLP has achieved and what it intends to do. In both cases, of course, there are commercially confidential matters which need to be withheld so that the LLP can negotiate with confidence with third parties. There is plenty of information available, if there are specific matters the member wishes to discuss I am sure the staff at the LLP will be happy to go through those issues.

**SUPPLEMENTARY QUESTION:**

Is there a chance for any public meetings to be held for local residents, when the planning meeting is approaching?

**ANSWER:**

I would suggest that you contact the LLP directly and ask them.

**COUNCILLOR DAVISON WAS NOT PRESENT AT THE MEETING, AND THEREFORE THE QUESTION WAS NOT CONSIDERED. HOWEVER, THE WRITTEN RESPONSE BELOW WAS PROVIDED TO COUNCILLOR DAVISON.**

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

Following on from the important cost of living summit co-ordinated by the council earlier this month, how is the council engaging with local businesses and other public sector organisations and services in our district about the pressures they face?

**ANSWER:**

Thank you for your question.

The council has been engaging with local businesses and other public organisations regarding pressures they face through various established groups, the Folkestone & Hythe Business Advisory Board, Folkestone Town Team, Folkestone Independent Retail Regeneration group, also through adhoc

1:1 interaction with organisations. The council also uses the Folkestone Works <https://folkestone.works> to help promote business support opportunities whether inhouse or external. The council has also provided the Green Business Grant Scheme which aims to reduce the carbon footprint and energy costs of businesses.