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SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 13 January 2016

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Ms Janet Holben (Chairman), Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons, Philip Martin, Frank McKenna, David Monk, David Owen, Richard Pascoe, Paul Peacock, Stuart Peall, Damon Robinson, Carol Sacre, Mrs Rodica Wheeler and Roger Wilkins

Apologies for absence: Councillors Ian Meyers and Peter Simmons

61. **Declarations of interest**

There were no declarations of interest.

62. **Minutes**

The minutes of the meeting of the Council held on 18 November 2015 were submitted, approved as a correct record and signed by the Chairman.

63. **Chairman's communications**

The Chairman opened her communications by reporting the sad death of Nick Adams who had been dedicated to the community especially Folkestone and wished to send her condolences to his family.

She moved on to wish councillors and officer a happy new year and congratulated two local people who had received honours in the new year's honours list. Firstly Mr William Fittall of Saltwood, the former Secretary General of the General Synod, who had been knighted for services to the Church of England. Secondly Mr Fred Wood-Brignall of Romney March who had received an MBE for services to the local community.

The Chairman reminded councillors of her comments made at the November 2015 meeting about courses being put on at the East Kent College. She was pleased to confirm that practical cookery courses on healthy cooking, cooking for families, for people with learning disabilities and for young mums were to be delivered in the forthcoming months and she suggested that councillors with residents who might benefit from such courses should let Tamasin Jarrett know.

The Chairman next referred to a project she would like to support, which was the friends of Folkestone Cemetery on Shorncliffe. The grounds of the cemetery are maintained by the Council but some of the monuments, which included one to the 21 people who died in the Tontine Street bombing and also three holders of the Victoria Cross, were suffering from neglect. The Chairman invited councillors to become friends of the cemetery.

Finally the Chairman invited councillors to join her in her new year's challenge which was a fire walk. She reported that the Vice-Chairman, Councillor David Owen, had already accepted the challenge to walk on hot coals on 4 March 2016, and hoped that other councillors would join them.

She closed by reminding councillors that her new year event was to be held on 20 January 2016.

64. **Petitions**

There were no petitions.

65. **Questions from the public**

The question asked and the answer given, including supplementary question, is attached as schedule 1 to these minutes.

66. **Questions from councillors**

The questions asked by councillors and answers received, including any supplementary questions, are set out in schedule 2 to these minutes.

67. **Announcements of the Leader of the Council**

The Leader of the Council, Councillor David Monk, opened by wishing councillors, officers, guests and members of the public a happy new year. He went on to acknowledge the sterling work undertaken by various teams of Council employees in helping vulnerable people in the recent floods which had included the delivery of 600 filled sandbags and 300 unfilled bags. The event had highlighted the need for continued close working with town and parish councils to ensure that they could provide help in future, especially in cases where roads became impassable and the District Council could not help.

He reminded councillors that the consultation on the location of the Operation Stack holding area was due to close on 25 January 2016. He noted that several people had reported that distant options for the location of this facility were still open for discussion. However the reality was that the County Council's Stack Committee had concluded that the ideal location was Shepway. He therefore concluded that it was cruel to create hope that one of the two proposed sites would not be chosen.

He went on to remind councillors that budget setting was approaching and that as was normal at this time in the cycle he would indicate the likely Shepway element of Council Tax. He was predicting a 1.98% increase, which was not unreasonable given the fact that the Government's revenue support grant had decreased by 40% for next year.

He was pleased to report that Southern Water were bringing forward a bathing water enhancement programme which would, by 2020, allow beaches in Folkestone, St Mary's Bay and Littlestone to join existing Blue Flag beaches. They would shortly be starting investigations into the causes of pollution which could include homeowners with faulty sewerage systems.

He concluded by advising the Council that the Grace Hill eyesore would be demolished within the next two weeks as a result of enforcement action taken by the Council.

The Leader of the Opposition, Councillor Mary Lawes, responded by congratulating Council employees on their work to assist flood victims. She reminded the Leader that Highways England were continuing to state that alternative sites for the lorry park would be considered. In terms of the proposed Council Tax increase, that would be the subject of future meetings. She would appreciate further information about the bathing water enhancement, and concluded by exclaiming her thanks for the Grace Hill property's demolition.

The Leader responded by reminding councillors that most beaches in the District were declared as "good" but that to fly the blue flag they needed to be "excellent". Southern Water had committed £31 million to find the sources of the pollution and to take enforcement action against guilty parties.

Proposed by Councillor David Monk
Seconded by Councillor Jennifer Hollingsbee and

RESOLVED: That the Leader's report be noted.

(Voting: For 27; Against 0; Abstentions 0).

68. **Presentation of iESE award for transformation in waste**

Dr Andrew Lerner, Chief Executive of iESE presented the Gold award for the transformation of the Council's recycling service. The award was received by Councillors Rory Love and Stuart Peall.

69. **Opposition business**

Councillor Mary Lawes presented this item. She was concerned that Parliament was considering diluting the Freedom of Information legislation which had resulting in more transparent government and had resulted in some significant reports. She quoted examples from the health service and the police. She questioned whether the sweeping changes being considered to introduce charging, to be able to exclude more items, to be able to refuse on the grounds of cost were excessive. She suggested that the Government should consider the long term which might include when they were in opposition.

Councillor Susan Carey responded on behalf of the Administration by agreeing to the principles behind the legislation but also reflected on the flaws. There were many vexatious requests which wasted tax payers' money – the total cost in Shepway was £50,000, the equivalent of 0.5% Council Tax. For the County Council expenditure was £133,000. One of the reasons for this cost was the need to protect individuals' data because of the Data Protection Act. This redaction was extremely time consuming.

Proposed by Councillor Mary Lawes
Seconded by Councillor Susie Govett and

RESOLVED: That the matter be noted.

(Voting: For 27; Against 0; Abstentions 0).

70. **Report of Independent Remuneration Panel**

The Chairman of the Independent Remuneration Panel, Mr Chris Harman, gave a brief introduction to the Panel's report.

Proposed by Councillor David Monk
Seconded by Councillor Jennifer Hollingsbee and

1. To receive and note report A/15/16.
2. To adopt, with effect from 20 May 2015 the new members' allowance scheme as set out in the report from the Independent Remuneration Panel – appendix 1 (as amended and as attached to these minutes).
3. To reconvene the Panel in June 2016 to review the implementation of the proposals (if adopted) or at an earlier date if there are significant changes in the governance structure.
4. To thank the Independent Remuneration Panel for undertaking the review.

AMENDMENT

Proposed by Councillor Damon Robinson
Seconded by Councillor Carol Sacre

That the increases be phased in over two years.

The amendment was LOST.

(Voting: For 2; Against 20; Abstentions 5)

Proposed by Councillor David Monk
Seconded by Councillor Jennifer Hollingsbee and

RESOLVED

1. To receive and note report A/15/16.
2. To adopt, with effect from 20 May 2015 the new members' allowance scheme as set out in the report from the Independent Remuneration Panel – appendix 1 (as amended and as attached to these minutes).
3. To reconvene the Panel in June 2016 to review the implementation of the proposals (if adopted) or at an earlier date if there are significant changes in the governance structure.
4. To thank the Independent Remuneration Panel for undertaking the review.

(Voting: For 22; Against 1; Abstentions 4).

71. Proposed changes to the committee structure

Report A/15/17 set out the recommendations of the General Purposes Committee on a revised committee structure, including overview and scrutiny. It also made recommendations on the chairmanship / vice – chairmanship of the proposed Overview and Scrutiny Committee.

Proposed by Councillor Richard Pascoe
Seconded by Councillor Roger Wilkins and

RESOLVED:

1. To receive and note report A/15/17.
2. To adopt from the next annual meeting the revised committee structure set out in this report consisting of the following committees:
 - Overview and Scrutiny Committee of 7 members;
 - Audit and Governance Committee of 5 members;
 - Personnel Committee of 5 members;
 - Planning and Licensing Committee of 10 members and Licensing Sub-Committees of three members;
 - Joint Standards Hearing Committee (2 district council members)
3. To approve the terms of reference of the Overview and Scrutiny Committee, the Audit and Governance Committee, the Planning and Licensing Committee and the Personnel Committee set out respectively in appendices 2, 3, 4 and 5.
4. That the chairmanship / vice – chairmanship of the Overview and Scrutiny Committee should be determined by members of the Overview and Scrutiny Committee

(Voting: For 24; Against 1; Abstentions 2).

72. Review of political balance and committee membership

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Report A/15/18 set out a summary of the need to review the political balance and membership of committees following the recent decision by Councillor Simmons to leave the Conservative Party and stand as an independent councillor.

Proposed by Councillor Jan Holben
Seconded by Councillor David Owen and

1. To receive and note report A/15/18
2. That the results of the review into the political proportionality of the Council and allocation of committee seats on a politically proportionate basis be noted.
3. To note that Councillor Simmons is to be allocated one (1) seat only and will remain as a committee member of the Development Control Committee.
4. To note the following appointments following the decision by Councillor Simmons to leave the Conservative party:

Councillor David Owen, Resources Scrutiny Committee
Councillor Michael Lyons General Purposes Committee
Councillor Richard Pascoe, Audit and Standards Committee
Councillor David Monk, Licensing Committee

AMENDMENT

Proposed by Councillor Susie Govett
Seconded by Councillor Mary Lawes

That Councillor Claire Jeffrey be appointed to replace Councillor Peter Simmons on the Development Control Committee.

The amendment was LOST.

(Voting: For 5; Against 19; Abstentions 3).

Proposed by Councillor Jan Holben
Seconded by Councillor David Owen and

RESOLVED:

- 1. To receive and note report A/15/18**
- 2. That the results of the review into the political proportionality of the Council and allocation of committee seats on a politically proportionate basis be noted.**
- 3. To note that Councillor Simmons is to be allocated one (1) seat only and will remain as a committee member of the Development Control Committee.**

4. **To note the following appointments following the decision by Councillor Simmons to leave the Conservative party:**

**Councillor David Owen, Resources Scrutiny Committee
Councillor Michael Lyons General Purposes Committee
Councillor Richard Pascoe, Audit and Standards Committee
Councillor David Monk, Licensing Committee**

(Voting: For 24; Against 0; Abstentions 3).

73. **Council tax base 2016-17**

The Council must decide its tax base which would be used in the calculation of Council Tax for 2016/2017. Report A/15/19 proposed the tax base for the Council's approval.

Proposed by Councillor Susan Carey
Seconded by Councillor David Monk and

RESOLVED:

1. **To receive and note report A/15/19.**
2. **To recommend that the Council Tax bases set out in appendices 1-31 of report A/15/19 (which had been calculated in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended)) be the amounts so calculated by the Council as its Council Tax bases for the year 2016/2017.**

(Voting: For 26; Against 1; Abstentions 0).

74. **Motions on notice**

There were no motions on notice.

75. **Exclusion of press and public**

Proposed by Councillor Jan Holben
Seconded by Councillor David Owen and

RESOLVED: That the public be excluded for agenda item 17 on the grounds that it is likely to disclose exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

(Voting: For 25; Against 2; Abstentions 0).

76. **Use of urgent powers by Chief Executive**

Report A/15/20 informed Council of the decision taken under urgency powers by the Chief Executive to authorise the purchase of land.

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Proposed by Councillor David Monk
Seconded by Councillor PeterGane and

RESOLVED:

- 1. To receive report A/15/20.**
- 2. To note the urgent decision of the Chief Executive to authorise the purchase of land.**

(Voting: For 25; Against 0; Abstentions 2).

Questions for Council – 13 January 2016

QUESTION 1

From Mr Bryan Rylands to Councillor Philip Martin, Cabinet Member for Property Management and Environmental Health.

According to Land Registry Title Number K756772 it states at Pg 3 of 4 that:

"(31.10.1996) Agreement for lease of Unit B1 tinted pink on the filed plan dated 17 October 1996 in favour of The District Council of Shepway for 21 years upon the terms therein mentioned."

What are the key terms of the Lease Agreement - ie what is Unit B1 used for, are there terms within the lease to renew and at what cost for any period envisaged, and what costs have been incurred since 17 October 1996?

ANSWER

An agreement for lease is used where the terms of the lease have been agreed but completion of the lease will not occur immediately – this is not the same as the grant of a lease. In this particular case, the landlord had to construct the motorway service area first and then the tenant (Shepway) needed to fit out the premises ready for occupation. This needed to occur before the parties would be in a position to proceed with the completion of the lease. If the landlord's work was not completed by 31 December 1998 then either party had the ability to terminate the agreement.

In accordance with conveyancing practice the agreement for lease was noted on the landlord's title in order to protect the Council's position.

The draft lease annexed to the agreement for lease does not specify the rent but the user is described as a "tourist information centre". There is no lease with the deeds for Unit B1, although Shepway District Council did subsequently enter into a lease on 14 January 2008 for a tourist information centre. However the area demised in this later lease is not the same area that was the subject of the agreement for lease.

It would appear that for some reason the agreement for lease was terminated and the lease was not entered into. The removal of the entry from the landlord's title appears to have been overlooked which is why it is still showing on the title.

Supplementary question

Could I have a full copy of the lease made up in 1996?

ANSWER

There was no lease, just a lease agreement, which I will provide.

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Full Council – 13 January 2016

Councillor questions:

- 1. By Councillor Frank McKenna of Councillor David Monk, Leader of the Council**

Has the Monitoring Officer concluded her report on councillors' inappropriate expenses claims, and when will the report be availed to Council?

ANSWER

This matter is still the subject of an ongoing investigation which is being carried out by an independent investigating officer. The investigating officer will produce a final report for the consideration of the Monitoring Officer. The Monitoring Officer has yet to be issued with the final report. Once issued, the Monitoring Officer will report this matter to Audit and Standards Committee. As for timing, I hope it will be shortly.

- 2. By Councillor Mary Lawes of Councillor Alan Ewart-James, Cabinet Member for Housing**

Under the 'No Use Empty' loan scheme, what are the criteria for people wishing to bring an old property back into use as a home or employment and who would be eligible for this?

ANSWER

May I extend a Happy New Year to you Cllr Lawes and thank you for the first question in the year 2016.

I am very pleased that you have taken an interest in the No Use Empty scheme which has just celebrated its 10th anniversary and last month as part of the celebration of this event, I was privileged to be able to give a presentation in County Hall Maidstone to the various Councils and developers who have participated in the No Use Empty Scheme.

In fact yesterday I made an inspection of one of the small local one man band type of developer who had partaken of this scheme whereby by availing himself to the loans he had been able convert empty offices above the NatWest bank in the middle of the High Street in Hythe into a number of flats. He told me that had it not been for the loans of the No Use Empty scheme, he would not have been able to undertake this development.

The 'No Use Empty Scheme' loan scheme is open to the owners of long Term empty homes in the district. Long-term empty homes are residential

properties which have been empty for 6 months or more. To be eligible, the owners are required to pass a financial viability test and also evidence that they are unable to access the necessary funding for the works through other lenders, such as banks. In some circumstances the owners of former commercial properties may be able to access the loan funding in order to bring their property back into use for residential purposes.

Supplementary question

I have a question about eligibility for this scheme because some people do not seem to be able to access it?

ANSWER

Anyone can apply if they meet the criteria. The really good thing about this scheme is that it is a rolling fund – ie any repayments made are recycled for somebody else to benefit.

3. By Councillor Carol Sacre of Councillor David Monk, Leader of the Council

Whilst I appreciate the need for a new swimming pool in Hythe, I feel that the proposal to site it on the Green does not take into account the needs of the people of New Romney, Dymchurch and Lydd. The Marsh communities, including the villages, have long since been deprived of proper sport and leisure facilities, in particular a swimming pool. Surely the Nickolls Quarry site would be in a far better position to serve them, particularly as the developer, Martello Lakes, has already committed land and finance?

ANSWER

The proposed Recreation Centre is intended to help meet the leisure needs of the communities across Shepway including Hythe and Romney Marsh.

The Nickolls Quarry site is one of a number of sites that were recently assessed as part of an options appraisal reported to Cabinet in November 2015. It is accepted that there are merits in the Nickolls Quarry option but unfortunately the site is not available for development until at least 2020 and it may well be longer. Its availability is dependent on matters beyond the Council's control including the development programme of that site as a whole. In order to maintain a swimming pool facility in Hythe for the community it is considered important to construct one ahead of that timescale.

4. By Councillor Carol Sacre of Councillor Malcolm Dearden, Cabinet Member for Transport and Commercial

Rather than losing more agricultural land with the construction of further amenities for heavy goods vehicles would the Council support the pursuance of an intelligence fleet management system which would enable heavy goods vehicles to be called forward from dispersed locations, in order to prevent the compound queuing and parking on our Kent highways, and which would be a flexible solution used only when needed?

ANSWER

The Cabinet will be considering its formal response to Highways England's consultation on a proposed lorry area at its special meeting on 19 January.

One of the recommendations to Cabinet states that Highways England should consult as soon as practical on new information technology communications that would be deployed alongside the introduction of a new lorry area to efficiently manage HGV and local traffic on the M20 and the local road network throughout Kent. The recommendation also says that improved information technology should also be introduced on the national strategic road network to more effectively manage HGV movements and avoid bottlenecks occurring in Kent (recommendation (i) in report C/15/70).

While information technology clearly has a significant role in HGV management it is not considered that this alone would be a workable alternative to the current Operation Stack when an incident occurs, sometimes at short notice, at the channel ports or channel tunnel rail terminus. In these circumstances there needs to be a lorry holding area with direct access from the M20, which is located as close to the channel tunnel terminal as possible and which can be opened quickly when required. Lorry parks further afield in dispersed locations are unlikely to prevent a repetition of the misery experienced by local businesses and local residents last year when the M20 was closed for a significant time. In addition the most effective means of tackling indiscriminate HGVs parking on local roads is a substantial expansion in the capacity of the overnight lorry area at STOP24 which could be delivered as part of the Stanford West lorry area option.

Supplementary question

Could Ebbsfleet be used as a backup?

ANSWER

We need to recognise that upwards of 15,000 lorries come through the M20 as a preferred option to the M2. The Government and the Chancellor of the Exchequer have earmarked £250 million to resolve the issue. The three COBR meetings, especially the one chaired by the Prime Minister, have indicated that they wish to "move ahead with pace". The preferred option

would be to keep the issue north of the Thames, but that won't happen because lorry drivers want to be as close to the Channel. This proposal seeks to resolve this problem of 20 years' standing. We should recognise pragmatically that Ebbsfleet is not the right place. Unfortunately the solution has to local and the £250 million allocated to it is important.

5. By Councillor Carol Sacre of Councillor Alan Ewart-James, Cabinet Member for Housing

I wish to refer to the Council's scheme to end the blight of empty residential dwellings and ask what plans are in abeyance for the high rise flats in Pilgrim Spring, Folkestone East, as tenants were required to vacate homes to be rehoused, some at a considerable distance from the immediate area and I understand these flats remain empty after many months?

ANSWER

Pilgrims Spring is not owned by the Council. Moat Housing Association is the landlord. They have recently written to all the residents in the accommodation to advise them about their future plans for the estate area. Due the serious disrepair problems in the property, Moat Housing Association has concluded that the only way forward is to help the residents move to alternative homes so that the property can be demolished and the site made available for redevelopment. Moat Housing Association has arranged an open meeting for all residents on 20 January to allow them to discuss how the process will work. Moat Housing Association will be working closely with the housing department of the Council to identify suitable homes for the remaining 21 households.

Supplementary question

Moat Housing Association also own the residential home for 35 senior citizens who have also been given notice. Is there anything we can do to help as a Council?

ANSWER

We work closely with Moat Housing Association to ensure as little disruption to people's live as possible.

Appendix 1 - Table of Proposed Allowances/'Point' Scores (as amended)

(note all figures include the increases arising from existing arrangements in 2015 and are rounded to the nearest £1)

Role	Point Score	£ Current	£ Proposed
Basic Allowance (note 1)	100	£3,944	£5,100
SRA for co-opted members	15	£662	£765
Special Responsibility Allowance (SRA)			
Leader of the Council	440	£21,670	£22,440
Deputy Leader of the Council	220	£9,803	£11,220
Cabinet Member (up to 8)	200	£8,983	£10,200
Chair of the Council	150	£6,353	£7,650
Vice-Chair of the Council	30	£1,211	£1,530
Tier 1 committees			
Audit & Standards Committee Chair	100	£4,035	£5,100
Resources Scrutiny Committee Chair	100	£4,035	£5,100
Community Overview Committee Chair	100	£4,035	£5,100
Development Control Committee Chair	100	£4,035	£5,100
Tier 2 committees			
Licensing Committee Chair	30	£1,416	£1,530
General Purposes Committee Chair	30	£1,416	£1,530
Personnel Committee Chair	30	£1,416	£1,530
Leader of the opposition	150		£7,650
Elements not taken forward			
Group Allowance	n/a	p/capita	note 2
Vice-Chairs	n/a	£404	note 2

Note 1: Excludes ICT allowance

Note 2: Proposed for abolition

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