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SHEPWAY DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 28 February 2018

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons (Vice-Chair), Ian Meyers, David Monk, David Owen (Chairman), Dick Pascoe, Paul Peacock, Stuart Peall, Damon Robinson, Carol Sacre, Russell Tillson, Mrs Rodica Wheeler and Roger Wilkins

Apologies for Absence: Councillors Ms Janet Holben, Philip Martin, Frank McKenna and Mrs Susan Wallace

76. Declarations of Interest

There were no declarations of interest at the meeting.

77. Minutes

The minutes of the meetings held on 17 January 2018 were submitted, approved and signed by the Chairman.

78. Chairman's Communications

The Chairman gave the following update:

“If I review my activities during the past month, I would describe them as somewhat sombre.

Although not present in my capacity as Chairman, I have attended the funerals of two community leaders within our area, one in the past was former Mayor of Hythe, Richard Trice, who served in that capacity in 1983-1985 and was a Councillor for 18 years.

The other was for the Reverend David Adlington, the Incumbent of Folkestone Parish Church of St Mary and St Eanswythe together with St Peters Church, Folkestone, who died suddenly at a relatively young age. I take this opportunity to recognise their valuable service to our Community.

I also attended Folkestone Town Councils annual commemoration of Holocaust Day. Yet again there was a good level of support from across the Community.

On a lighter note, I have continued to support our local Mayors in their Charitable fund raising ventures”.

79. Petitions

There were no petitions at the meeting.

80. Questions from the Public

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

81. **Questions from Councillors**

The questions asked, including supplementary questions (if any), and the answers given are set out in Schedule 2, appended to these minutes.

82. **Announcements of the Leader of the Council**

The Leader of the Council gave the following announcements:

“Good evening to you all.

As you have just heard in Councillor Mrs Hollingsbee’s reply about tackling deprivation, we are running a European match funded project called Folkestone Community Works and it was my pleasure to attend the official launch last week. This project is very ambitious and when completed will have positively benefitted over a thousand people by helping them to be job ready, creating jobs and allowing businesses to grow. All of this being targeted to the areas of deprivation in East and Central Folkestone. I would like to congratulate Dr Harvey and her team for their perseverance in successfully negotiating the almost impenetrable maze that is European Bureaucracy to win this funding.

Earlier this week it was announced that Homes England have acquired land in the Otterpool Park search area. This is excellent news as it now means that the land assembly for the project is, in practical terms, complete and I look forward to working with them and accessing their expertise.

When we voted to change the name of the District there were a few people from the Marsh who felt that we had abandoned it. This is not so and to emphasise the importance we place on the wellbeing of the Marsh, I am going to give Councillor Roger Wilkins support in his position on the Romney Marsh Partnership by nominating our Commercial Corporate Director John Bunnnett to sit with him and ask both of them to formulate schemes that promote the uniqueness of the fifth continent.

I will stop now that there is a lot on the agenda tonight”.

Councillor Meyers, Leader of the Opposition, responded to the comments made by the Leader, and made the following points.

He was pleased to note the news relating to Folkestone Community Works, and congratulated Dr Harvey for securing the funding. He stated that although the party were not fans of the EU, they would accept the funding.

He was also pleased to see that work would be taking place to promote Romney Marsh. He had been a ward Councillor alongside Councillor Roger Wilkins for some time and would be happy to collaborate.

He then expressed his gratitude to officers and Councillors for working to extend the SWEF for the present increment weather.

Councillor Monk, Leader of the Council, responded by thanking Councillor Meyers.

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

RESOLVED:

That the announcements of the Leader of the Council be noted.

83. Opposition Business

There was no opposition business.

84. Motions on Notice

There were no motions on notice.

85. General Fund Budget and Council Tax 2018/19

The report concluded the budget setting process for 2018/19. It set out recommendations for setting the council tax after taking into account the district's council tax requirement (including town and parish council requirements and special expenses in respect of the Folkestone Parks and Pleasure Grounds Charity), the precepts of Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Fire & Rescue Service.

Proposed by Councillor Dearden,
Seconded by Councillor Monk; and

RESOLVED:

1. That Report A/17/23 be received and noted
2. That the District Council's budget for 2018/19 as presented in Appendix 1 to the report and the council tax requirement for 2018/19 be approved, to be met from the Collection Fund, of £12,183,131.
3. That the following amounts be now calculated by the Council for the year 2018/19 be approved in accordance with sections 31 to 36 of the Local Government Finance Act 1992 (the Act):

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- a) £100,643,071 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act (as in Appendix 2).
- b) £88,459,940 – being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act (as in Appendix 2).
- c) £12,183,131 – being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (as in Appendix 2).
- d) £317.99 – being the amount at 3(c) above divided by the tax base of 38,312.22 calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year.
- e) £2,814,644 – being the aggregate of all special items (including parish precepts) referred to in Section 34(1) of the Act.
- f) £244.53 - being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the tax base of 38,312.22 calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates, ie Old Romney and Snargate.
- g) Part of the Council's area

Folkestone	333.14	Being the amounts given by adding to the amount at 3(f) above the special items relating to dwellings in those parts of the Council area mentioned here divided in each case by the appropriate tax base calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
Sandgate	317.23	
Hythe	302.54	
Lydd	324.18	
New Romney	360.88	
Acrise	246.76	
Elham	268.79	
Elmsted	254.34	
Hawkinge	332.22	
Lyminge	277.13	
Lympne	286.16	
Monks Horton	254.03	
Newington	288.41	
Paddlesworth	255.29	
Postling	262.32	
Saltwood	268.40	
Sellindge	306.80	
Stanford	276.64	

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Stelling Minnis	264.80
Stowting	258.25
Swingfield	290.56
Brenzett	282.50
Brookland	305.52
Burmarsh	278.93
Dymchurch	307.94
Ivychurch	295.56
Newchurch	277.34
Old Romney	244.53
St Mary in the Marsh	278.93
Snargate	244.53

(h) Part of the Council's area**Valuation Bands**

Parish	A £	B £	C £	D £	E £	F £	G £	H £
Folkestone	222.09	259.11	296.13	333.14	407.17	481.21	555.24	666.28
Sandgate	211.49	246.74	281.99	317.23	387.73	458.23	528.72	634.46
Hythe	201.69	235.31	268.92	302.54	369.77	437.00	504.23	605.08
Lydd	216.12	252.14	288.16	324.18	396.22	468.26	540.30	648.36
New Romney	240.59	280.69	320.79	360.88	441.08	521.28	601.47	721.76
Acrise	164.50	191.92	219.34	246.76	301.59	356.43	411.26	493.52
Elham	179.19	209.06	238.92	268.79	328.52	388.25	447.98	537.58
Elmsted	169.56	197.82	226.08	254.34	310.86	367.38	423.90	508.68
Hawkinge	221.48	258.40	295.31	332.22	406.05	479.88	553.71	664.44
Lyminge	184.75	215.55	246.34	277.13	338.71	400.30	461.88	554.26
Lympne	190.77	222.57	254.36	286.16	349.75	413.34	476.93	572.32
Monks Horton	169.36	197.58	225.81	254.03	310.49	366.94	423.39	508.06
Newington	192.28	224.32	256.37	288.41	352.51	416.60	480.69	576.82
Paddlesworth	170.20	198.56	226.93	255.29	312.03	368.76	425.49	510.58
Postling	174.88	204.02	233.17	262.32	320.61	378.90	437.20	524.64
Saltwood	178.93	208.75	238.57	268.40	328.04	387.68	447.33	536.80
Sellindge	204.53	238.62	272.71	306.80	374.98	443.15	511.33	613.60
Stanford	184.43	215.16	245.90	276.64	338.11	399.59	461.06	553.28
Stelling Minnis	176.53	205.96	235.38	264.80	323.65	382.49	441.34	529.60
Stowting	172.17	200.86	229.55	258.25	315.64	373.02	430.41	516.50
Swingfield	193.71	225.99	258.27	290.56	355.13	419.70	484.27	581.12
Brenzett	188.34	219.73	251.12	282.50	345.28	408.06	470.84	565.00
Brookland	203.68	237.63	271.58	305.52	373.42	441.31	509.21	611.04
Burmarsh	185.96	216.95	247.94	278.93	340.92	402.90	464.89	557.86
Dymchurch	205.30	239.51	273.73	307.94	376.38	444.81	513.24	615.88
Ivychurch	197.04	229.88	262.72	295.56	361.24	426.92	492.60	591.12
Newchurch	184.89	215.71	246.52	277.34	338.97	400.60	462.23	554.68
Old Romney	163.02	190.19	217.36	244.53	298.87	353.21	407.55	489.06
St Mary in the Marsh	185.95	216.95	247.94	278.93	340.91	402.90	464.88	557.86
Snargate	163.02	190.19	217.36	244.53	298.87	353.21	407.55	489.06

Being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

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4. That it be noted that for the year 2018/19 Kent County Council, Kent Police and Crime Commissioner and the Kent & Medway Fire & Rescue Service have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Kent County Council	825.12	962.64	1,100.16	1,237.68	1,512.72	1,787.76	2,062.80	2,475.36
Kent Police and Crime Commissioner	112.77	131.56	150.36	169.15	206.74	244.33	281.92	338.30
Kent & Medway Fire & Rescue	50.34	58.73	67.12	75.51	92.29	109.07	125.85	151.02

Major preceptor amounts remained subject to confirmation at the time of preparing this report.

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2018/19 for each of the categories of dwelling shown below:

(i) Part of the Council's area Valuation Bands

Parish	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Folkestone	1,210.32	1,412.04	1,613.76	1,815.48	2,218.92	2,622.36	3,025.80	3,630.96
Sandgate	1,199.72	1,399.67	1,599.62	1,799.57	2,199.48	2,599.38	2,999.29	3,599.14
Hythe	1,189.92	1,388.24	1,586.56	1,784.88	2,181.52	2,578.15	2,974.79	3,569.76

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Lydd	1,204.35	1,405.07	1,605.80	1,806.52	2,207.97	2,609.42	3,010.87	3,613.04
New Romney	1,228.82	1,433.62	1,638.42	1,843.22	2,252.83	2,662.43	3,072.04	3,686.44
Acrise	1,152.73	1,344.85	1,536.98	1,729.10	2,113.34	2,497.58	2,881.83	3,458.20
Elham	1,167.42	1,361.99	1,556.56	1,751.13	2,140.27	2,529.40	2,918.54	3,502.26
Elmsted	1,157.79	1,350.75	1,543.72	1,736.68	2,122.61	2,508.54	2,894.47	3,473.36
Hawkinge	1,209.71	1,411.33	1,612.95	1,814.56	2,217.80	2,621.04	3,024.27	3,629.12
Lyminge	1,172.98	1,368.48	1,563.97	1,759.47	2,150.46	2,541.46	2,932.45	3,518.94
Lympne	1,179.00	1,375.50	1,572.00	1,768.50	2,161.50	2,554.50	2,947.50	3,537.00
Monks Horton	1,157.58	1,350.51	1,543.44	1,736.37	2,122.23	2,508.09	2,893.96	3,472.74
Newington	1,180.50	1,377.25	1,574.00	1,770.75	2,164.25	2,557.75	2,951.26	3,541.50
Paddlesworth	1,158.42	1,351.49	1,544.56	1,737.63	2,123.78	2,509.92	2,896.06	3,475.26
Postling	1,163.10	1,356.96	1,550.81	1,744.66	2,132.36	2,520.06	2,907.76	3,489.32
Saltwood	1,167.16	1,361.68	1,556.21	1,750.74	2,139.79	2,528.84	2,917.89	3,501.48
Sellindge	1,192.76	1,391.55	1,590.35	1,789.14	2,186.73	2,584.31	2,981.90	3,578.28
Stanford	1,172.65	1,368.09	1,563.54	1,758.98	2,149.86	2,540.75	2,931.63	3,517.96
Stelling Minnis	1,164.76	1,358.89	1,553.01	1,747.14	2,135.39	2,523.65	2,911.90	3,494.28
Stowting	1,160.39	1,353.79	1,547.19	1,740.59	2,127.39	2,514.18	2,900.98	3,481.18
Swingfield	1,181.93	1,378.92	1,575.91	1,772.90	2,166.88	2,560.85	2,954.83	3,545.80
Brenzett	1,176.56	1,372.66	1,568.75	1,764.84	2,157.03	2,549.22	2,941.41	3,529.68
Brookland	1,191.91	1,390.56	1,589.21	1,787.86	2,185.17	2,582.47	2,979.77	3,575.72
Burmarsh	1,174.18	1,369.88	1,565.58	1,761.27	2,152.67	2,544.06	2,935.46	3,522.54
Dymchurch	1,193.52	1,392.44	1,591.36	1,790.28	2,188.12	2,585.97	2,983.81	3,580.56
Ivychurch	1,185.27	1,382.81	1,580.35	1,777.90	2,172.99	2,568.07	2,963.16	3,555.80
Newchurch	1,173.12	1,368.64	1,564.16	1,759.68	2,150.72	2,541.76	2,932.79	3,519.36
Old Romney	1,151.25	1,343.12	1,535.00	1,726.87	2,110.62	2,494.37	2,878.12	3,453.74
St Mary in the Marsh	1,174.18	1,369.88	1,565.57	1,761.27	2,152.66	2,544.06	2,935.45	3,522.54
Snargate	1,151.25	1,343.12	1,535.00	1,726.87	2,110.62	2,494.37	2,878.12	3,453.74

6. That it be determined that the District Council's basic amount of council tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992.

The motion was put to a recorded vote in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as set out below:

FOR: Councillors Mrs Berry, Mrs Carey, Collier, Dearden, Ewart-James, Gane, Goddard, Godfrey, Mrs Hollingsbee, Mrs Jeffrey, Laws, Love, Lyons, Meyers, Monk, Owen, Pascoe, Peacock, Peall, Robinson, Mrs Sacre, Tillson, Wheeler and Wilkins (24)

AGAINST: Councillors Miss Govett and Mrs Lawes (2).

ABSTENTIONS: 0

(Voting: For 24; Against 2; Abstentions 0).

86. Housing Revenue Account and Capital Original Budget 2018/19

The report set out the Housing Revenue Account Revenue and Capital Budget for 2018/19 and proposed a decrease in rents and an increase in service charges for 2018/19.

Proposed by Councillor Ewart-James,
Seconded by Councillor Dearden; and

RESOLVED:

1. That Report C/17/25 be received and noted.
2. That the Housing Revenue Account Budget for 2018/19 be approved. (Refer to paragraph 2.1 and Appendix 1)
3. That the decrease in rents of dwellings within the HRA on average by £0.84 per week be approved, representing a 1.0% decrease with effect from 2 April 2018. (Refer to paragraph 3.2)
4. That the increase in service charges be approved. (Refer to section 3.5)
5. That the Housing Revenue Account Capital Programme budget 2018/19 be approved. (Refer to paragraph 4.1 and Appendix 2)

(Voting figures: 24 for, 1 against, 1 abstentions).

87. Update to the General Fund Medium Term Capital Programme and Quarter 2 Monitoring 2017/18

The report updated the General Fund Medium Term Capital Programme for the five year period ending 31 March 2023. The report also provided a projected outturn for the General Fund capital programme in 2017/18, based on expenditure to 30 November 2017. The General Fund Medium Term Capital Programme is required to be submitted to full Council for consideration and approval as part of the budget process. Overview and Scrutiny Committee considered this report on 16 January 2018 ahead of Cabinet approving it on 17 January 2018 to be submitted to be full Council.

Proposed by Councillor Dearden,
Seconded by Councillor Godfrey; and

RESOLVED:

1. That report A/17/21 be received and noted.

2. That the updated General Fund Medium Term Capital Programme as set out in appendix 2 to the report be approved.
3. To approve the budgets for the additional General Fund capital schemes set out in addendum to this report.

(Voting figures: 24 for, 2 against, 0 abstentions).

88. **Treasury Management Strategy Statement including Treasury Management Prudential Indicators and Minimum Revenue Provision Statement for 2018/19**

The report set out the proposed strategy for treasury management for 2018/19 including the Annual Investment Strategy and Treasury Management Indicators to be approved by full Council. The report also set out both the Prudential Indicators for capital expenditure and the Minimum Revenue Provision Policy Statement for 2018/19 to be approved by full Council.

Proposed by Councillor Dearden,
Seconded by Councillor Godfrey; and

RESOLVED:

1. That Report A/17/22 be received and noted.
2. That the strategy for treasury management in 2018/19, set out in the report, be approved and adopted.
3. That the 2018/19 Annual Investment Strategy set out in the report be approved and adopted.
4. That the treasury management indicators set out in the report be approved.
5. That the Prudential Indicators for capital and borrowing set out in the appendix 3 to the report be approved.
6. That the Minimum Revenue Provision (MRP) Policy Statement for 2018/19 set out in appendix 4 to the report, be approved.

(Voting figures: 23 for, 0 against, 3 abstentions).

89. **Review of Political Balance and Committee Membership**

The report set out a summary of the need to review the political balance and membership of committees following the recent decision by Councillor Miss Govett to leave the UKIP Party and stand as an independent Councillor.

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

RECOMMENDATIONS:

1. That report A/17/18 be received and noted.

2. That the amendment to the number of seats on the Overview and Scrutiny Committee (from ten seats to 11 seats) to achieve an effective political balance be approved.
3. 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.
4. That it be noted that Councillor Miss Govett is to be allocated one (1) seat only and be removed from the Planning and Licensing Committee, and will become a Member of the Overview and Scrutiny Committee.
5. That following the decision by Councillor Miss Govett to leave the UKIP party be noted, and Councillor Robinson (UKIP) will become a member of the Planning and Licensing Committee.

(Voting figures: 26 for, 0 against, 0 abstentions).

90. **Transforming Shepway future operating model blueprint**

As part of its Transforming Shepway programme, Shepway District Council has been considering how it can utilise service redesign and ICT to meet its ambitions to become a more efficient and effective organisation and meet the needs and aspirations of its communities in the context of increasing pressures to reduce costs. The report provides the conclusions of work to redesign the Council's services supported by Cabinet at its meeting in June 2017. The report includes the business case, future operating model and high level implementation plan. It also outlines that by adopting a refreshed ICT Strategy and making an investment in its ICT infrastructure and changing its business operations, the Council can achieve improvements in services for residents and deliver a genuine efficiency without cutting services.

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

RESOLVED:

1. That the report be received and noted.
2. That an overall budget of £5.9m spread over the term of the project to 2020/21 (including a Notional Severance Provision of £2m) be approved, which will include:
£0.75m from existing revenue; £2.925m from use of flexible capital receipts; £1.030m from financing exchanges and £1.225m from capital financed through borrowing or reserves, which will produce an expected net annual ongoing efficiency saving of £1.8m from 2020/21.
3. That the overview of and any amendments to the financial envelope to be delegated to the Corporate Director of Organisational Change in consultation with the Leader of the Council.

(Voting figures: 24 for, 0 against, 2 abstentions).

91. **Exclusion of the Public**

Proposed by Councillor Owen,
Seconded by Councillor Lyons; and

RESOLVED:

That the public be excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 – ‘Information relating to any individual.’

(Voting figures: 26 for, 0 against, 0 abstentions).

92. **Senior Management Review**

The report considered recommendations from the Personnel Committee and the Audit and Governance Committee on the senior management review or matters relating to it.

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

RESOLVED:

1. That report A/17/20 be received and noted.
2. That the senior management structure consist of three directors (or posts with equivalent titles) one of whom will be designated as head of paid service pursuant to section 4 Local Government and Housing Act 1989;*
3. That Mr. Alistair Stewart, chief executive be dismissed on the grounds of redundancy on 31 March 2018;*
4. That sub – paragraph 2.1.4 of the officer employment procedure rules in part 8.2 of the council’s constitution be deleted;
5. That, subject to approval of recommendation 4 above, the head of paid service role be advertised internally and;
6. That the personnel committee carry out the selection process with any recommendations considered at an extraordinary meeting of the council on 28 March 2018.

* - recommendations of the personnel committee

** - recommendations of the audit and governance committee

(Voting figures: 25 for, 0 against, 1 abstentions).

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Public questions:

1. From Mr Southgate to Councillor Peall, Cabinet Member for the Environment

From 01/04/2017 to 20/11/2017, Shepway District Council, this council, received 744 reports of damaged bins all of which were listed as DAMAGED ON COLLECTION DAY. In November 2016, this council changed it's rules and made the cost for repair and replacement of damaged bins the responsibility of the residents, irrespective of who caused the damage. Can the council clarify this position and explain why it feels Shepway householders should foot the bill for refuse bins damaged by the refuse provider, Veolia?

ANSWER:

I thank Mr Southgate for his question as it allows me the opportunity to address some of the concerns and misconceptions about how the council's fees and charges policy works with regard to the replacement of refuse bins.

The first point to make is that with an ageing bin stock, much of which is over seven or more years old and with over 50,000 properties serviced each week, the volumes of bins and containers recorded as 'damaged' are not exceptional and in most cases caused simply by age, weathering, wear and tear.

A second and critical point to make is the vast majority of the 744 bins and containers reported as lost or damaged in this period were in fact replaced free of charge to residents.

To explain further – the long standing council policy on fees and charges is the principle that the 'users pays' and this has generally applied to the purchase of new refuse bins and containers.

Following the wider rollout of recycling bins at the start of the current contract in 2012 an exception to the fees and charges policy was agreed that the council would directly fund the replacement of bins that were reported lost or damaged as the result of the collection operation. You will appreciate that in practice it is often difficult to verify the exact cause of loss or damage and so other than in exceptional cases this has been taken at face value. However, this resulted in costs regularly in excess of £100K per annum, which was difficult to justify financially.

In 2016 when reviewing the budget, cabinet took the tough decision to change the policy and charge for the replacement of residual bins in all circumstances. The purpose of this was to cap the cost of replacement bins and bring it within budget; which it has. As well as continuing to

replace recycling bins and containers free of charge when damaged or lost at collection. This was to promote and encourage the continued participation in the council's successful recycling scheme and all the environmental benefits that come with it.

From April 2017 to date, the number of bins purchased as a direct result of this change is 130 residual refuse bins.

For comparison in that same period, the council has still replaced free of charge over 2250 bins and containers of various sizes. Spend for 17/18 is projected to hit the budget of £80,000.

The question also refers to the role of the contractor, Veolia. As discussed many of the bins requiring replacement are due to their age. However, there is also in place a process where any bins where are alleged or can be shown have been directly damaged due to the negligence of the contractor are referred to them. In 2017, Veolia actioned the direct replacement of 127 bins and containers.

The council in charging for replacement bins in selected circumstances is not out of step with other authorities, some of which already charge for all replacements regardless of cause or are actively looking at introducing charges.

Like all fees and charges, the bin replacement protocol is regularly reviewed and as portfolio holder I am happy to hear the views of Members on this issue.

2. **From Mr Rylands to Councillor Monk, Leader of the Council**

The legislation regarding recording, filming and taking photographs at open public meetings in the Council chamber states NO PRIOR NOTIFICATION is necessary. SDC's Constitution part 5 - page 5/21 and 6 - page 6/14 state that it is. This appears to contradict both national legislation and the DCLG Guidance, so my question is:

Is prior permission to film, record or take photo's necessary or not?

ANSWER:

I 'm afraid the Council does not agree with your interpretation of the legislation. Furthermore, the constitution as currently drafted is correct. Prior notification is necessary.

I suggest you read The DCLG's "Open and accountable local government" note dated August 2014 - in particular Part 1 page 5, 6 and 7. The policy of requiring prior notification is so that attendees can be advised that the meeting is being recorded. This gives members of the public the

opportunity to object to being filmed or recorded. This is a reasonable request and is lawful

SUPPLEMENTARY QUESTION:

Within the legislation laid out by parliament, it is clear and concise that no prior notification is required. The DCLG 's note us surely guidance, and not statutory. Is prior permission to film, record or take photo's necessary or not?

ANSWER:

Your question has already been answered.

3. From Mr Corrs to Councillor Monk, Leader of the Council

The website haveibeenpwned dot com gives email accounts which have been compromised in a data breach.

It is know that various Officers' official Shepway district council email addresses were comprised and released publicly.

What action was taken by SDC and was any data lost as a consequence of these email and passwords been placed into the public domain?

ANSWER:

The council is not aware of any data breaches related to the information contained in your question and has nothing further to add at this point.

SUPPLEMENTARY QUESTION:

SDC have external contractors who have also appeared on the site. Have SDC been informed if any SDC data has been released?

ANSWER:

The response to this question will be released at a later date.

4. From Mr Deane to Councillor Goddard, Chairman of the Planning Committee

Can you please outline the grounds which convince Shepway District Council and it's planning department of the legal certainty that the changes to the Folkestone Seafront Development outlined in Planning Application **Y17/1099/SH** constitute a section 73 application and not the need for a new planning application?

ANSWER:

An application made under section 73 of the Town and Country Planning Act 1990, known as a Material Minor Amendment can be made to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.

Where an application under section 73 is granted, **the effect is the issue of a new planning permission**, sitting alongside the original permission, which remains intact and unamended. **A section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations** and is subject to the same full consultation as an application made under section 70 of the Town and Country Planning Act 1990 (as amended).

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In this instance the application is seeking to remove conditions 41 and 42 (provision of sea and beach sports facilities) and vary conditions 4, 6, 7, 15, 16, 18, 21, 23, 25 and 27 of that approved for application Y12/0897/SH, which granted permission for up to 1,000 dwellings and 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses. The current application seeks the same number of dwellings and the same uses as per the approved application.

As such, the overarching nature of the application has not significantly changed, what is under consideration are the changes made to the proposal via the variation and removal of conditions, in particularly changes to the Parameter plans and Design Guidelines and the suitability of all changes when considered against development plan policy.

SUPPLEMENTARY QUESTION:

Where is the Council planning to put the infrastructure for the new houses?

ANSWER:

The response to this question will be provided at a later date.

Council – 28 February 2018

Councillor Questions

1. From Councillor Mrs Mary Lawes to Councillor Mrs Jennifer Hollingsbee, Cabinet Member for Communities

Can the cabinet member for communities advise me as to what this council has been actively doing to reduce deprivation in the District, especially around employment, housing, GP services and health & Wellbeing?

ANSWER:

The Economic Development team has been working over the last two years to secure £2.2 million European Structural Investment Funds for a community-led local development programme to tackle issues around deprivation in the east, central and harbour areas of Folkestone. The specific aim is to support residents in these areas on their journey into employment and to support local businesses to grow. The council is providing the required 50% match funding – equivalent to around £250,000, to manage this programme over its five year duration to the end of 2022. This will enable projects that will bring 50% match fund, to be developed, thereby bringing a total of almost £4.5 million into Folkestone to address issues of deprivation within the community.

Communities team have been proactively engaging with the health sector and addressing health and wellbeing issues at both strategic level and operational level. Shepway is represented at the South Kent Coast Health and Wellbeing Board and at other relevant forums eg the Local Children's Partnership group (LCPG,) to ensure that these services address the needs of our residents.

The LCPG has recently awarded funding (2 years in a row), together with the Shepway Community Safety Partnership, to the Shape up project (Gillingham Football Club) which works with disaffected young people. They run activities at the local sports centre that support health outcomes such as reducing obesity. Healthy eating workshops in schools have also taken place.

The council has also been involved in the redesign of GP services, attending workshops with GPs and other representatives of the health sector and helping to identify where GPs can access more information to support patients eg sports centre activities or housing advice to counter depression linked to poor housing conditions. Minor illness appointments are being seen within locality hubs (one at RVH and a number at location n Hythe and Rural areas for the Marsh). These services would like to expand to include wider health and wellbeing services eg mental health support and the council supports these ideas.

The Council continues to support Shepway Citizens Advice with significant funds (£58k GF and £10.8k HRA funds) which provides much needed support and advice to those most deprived and suffering crisis in terms of debt and other issues. They also provide employment advice.

The Housing Options Team has employed a Prevention Plus officer that looks at housing and employment issues for single homeless people.

The engagement of the council has ensure the involvement of GPs in work shops around new developments such as Princes Parade and Otterpool Park, which has supported the wider health and wellbeing benefits associated with good design principles.

In addition the Councils wider services across the various housing teams, economic development, lifeline, environmental protection and provision of good quality parks and recreational facilities all support health and wellbeing outcomes for the community.

SUPPLEMENTARY QUESTION:

Can you offer an update on the situation regarding recruitment to GP surgeries?

ANSWER:

I will provide an update to you after the meeting.

2. From Councillor Mrs Mary Lawes to Councillor Stuart Peall, Cabinet Member for the Environment

Can the cabinet member explain to me the criteria for replacing a bin if waste bins are damaged or go missing while put out for collection on collection day? Could the cabinet member also explain to me why staff have been told to tell the public, if they complain about having to pay £49.99 to get a new bin, that this is a political decision and to contact their local councillor? Could you explain what does this mean?

ANSWER:

In answer to the first point and referring back to my earlier response to questions from the public.

The council policy on fees and charges is based on the principle that the 'user pays' and this has applied to the purchase of new refuse bins and containers.

Following the wider rollout of recycling bins at the start of the current contract in 2012 an exception to the fees and charges policy was agreed whereby the council would directly fund the replacement of bins that were reported lost or damaged as the result of the collection operation.

In light of escalating costs, this approach was reviewed in 2016 and cabinet took the decision to change the policy and charge for the replacement of residual bins in all circumstances. The purpose of this was to cap the cost of

replacement bins and bring it within budget; which it has. The policy remained unchanged for recycling bins and containers, which continue to be replaced free of charge when damaged or lost at collection. This is to encourage continued participation in the recycling scheme.

As discussed in my previous answer since the change in the replacement bin policy came into effect in April 2017, 130 residual bin replacements have been charged; however in the same period over 2000 recycling bins and containers have been provided free of charge to residents.

In answer to your second point the Customer Services Manager has confirmed that there has been no instruction to staff to describe the policy change as a 'political decision' or to specifically contact their local councillor on this matter. Clearly, if the public wish to contact their councillor and register views on any council matter they are not discouraged from doing so.

SUPPLEMENTARY QUESTION:

On 1 February, a resident had reported a lost bin, which was subsequently replaced by 9 February. Two other residents in the same ward had also reported their missing bins, and were still awaiting replacements. Can you confirm the correct procedure will be followed to deal with this?

ANSWER:

Please provide details of names and addresses after the meeting, and I will look into the matter for you.

3. From Councillor Mrs Mary Lawes to Councillor Stuart Peall, Cabinet Member for the Environment

Members of the public have complained about food waste being thrown in the purple lid bins (recycled waste). These incidents have been witnessed by the public as well as their bins being stained by food waste. Members of public have complained and received reference numbers from SDC but have not had any answers. Can you explain why this is happening and do you believe that recycling is working well in the district?

ANSWER:

In response to the point about complaints being made, logged but not being answered, I have checked with the council's Complaints Officer and they have no record of any complaints registered in the past year that match this description. If the councillor provides me with details then I would be happy to look into this further and ensure any matters are investigated and responded to.

As a general point, there have been occasions in the past where residents have been confused by the use by Veolia crews of what is called a 'slave bin'.

This is where a work bin is taken down the street to collect food waste from several houses, and then attached to the loader for tipping. To an outside observer the crews could appear to be emptying food bins into a recycling bin. I have also heard reports of the crews also putting the green food caddies into the recycling bin for ease when collecting but still tipping separately. It is also worth making the point that tipping food waste directly into the recycling bin contaminates the load so it would certainly not be in our contractor Veolia's interests if this was the practice. If specific incidents on routes are reported, the local management will investigate and take action

Finally, Councillor Mrs Lawes asks if I believe recycling is working well in the district. Overall, I do think the recycling scheme is working well. We continue to post strong recycling figures around 42% of the total waste produced, which is comparable and in many cases better than similar authorities. The garden waste scheme remains popular and in fact grew in the number of subscriptions last year. We have a strong working partnership with DDC, which allows us to punch above our weight when working with large contractors and work has already begun on the next contract in January 2021 with our East Kent colleagues.

SUPPLEMENTARY QUESTION:

I have emailed you with details of four incidents of food waste being thrown in to recycled waste. Please can you provide me with a proper answer with numbers, details and results?

ANSWER:

A proper answer to your question has been given. If you have something to add, please provide more information, and I will discuss with Veolia. However, I would need categorical proof, such as video evidence.

4. From Councillor Mrs Carol Sacre to Councillor Alan Ewart-James, Cabinet Member for Housing

I understand from figures compiled in October 2016 there were 1773 vacant properties in Shepway, of which 547 of these have remained empty for six years or more.

Are we taking an active role to re-establish those remaining empty properties, as much-needed residential units particularly for our local residents?

ANSWER:

The Council recognises that Empty Homes are an unnecessary wasted resource and we continue to work to bring these homes back into use to provide much needed homes for local people in the district. Returning Empty homes back into use is a key priority within the Council's current Corporate Plan

During 2016/17 intervention by the Council resulted in 72 empty homes being brought back into use in the district. This was achieved through Shepway No Use Empty Loans, enforced sale (where sufficient council tax debt has arisen) and subsequent owners bringing homes back into use, and other enabling work by the Council to encourage the owners of empty homes to bring them back into use or to sell them on to buyers who do want to refurbish and bring the homes back into use. Where appropriate the Council's Planning enforcement officer also intervenes to tackle any properties that pose a detriment to the amenity of the area.

The Council works closely with Kent County Council to provide loans to the owners of long-term empty homes so that they can be brought back into use. The extremely successful and award winning Shepway "No Use Empty Plus" loan scheme provides a useful local top-up to the KCC loans so that we can effectively widen the scope on the number of units we can bring back into use within Shepway. The scheme was recognised as a national example of good practice at the 2017 Empty Homes Awards. Over the last two and a half years, the Council has provided loans totalling approximately £750,000, which has resulted in 50 long-term empty homes being brought back into use in Shepway. This would not have been possible without the loan funding made available by the Council. Moreover, the loans will be repaid back to the council over the next three years for further investment against our key priorities.

The Council will continue its work to target and bring long-term empty homes back into in the district over the coming year. This will include further assistance through Shepway 'No Use Empty Plus' in partnership with KCC. As part of this initiative, the Council has an agreed budget of £350K available to provide further loans during 2018/19.

As you can see, bringing long-term empty homes back into use is clear priority for the Council.

SUPPLEMENTARY QUESTION:

Can we ensure adequate provision is made to accommodate ex-servicemen?

ANSWER:

There is a covenant where ex-servicemen have a priority.

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