

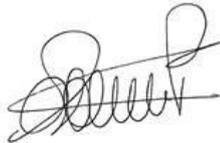
Meeting: **Council**  
Date: **25 September 2019**  
Time: **7.00 pm**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **All Members of the Council**

**YOU ARE HEREBY SUMMONED** to attend a meeting of the Council on the date and at the time and place shown above. The meeting will be open to the press and public.

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

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.



Head of Paid Service

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the Council should declare any discloseable pecuniary

**Queries about the agenda? Need a different format?**

Contact Jemma West – Tel: 01303 853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

interest or any other significant interests in any item/s on this agenda.

3. **Minutes (Pages 9 - 30)**

To receive the minutes of the meeting of the council held on 24 July 2019 and to authorise the Chairman of the Council to sign them as a correct record.

4. **Chairman's Communications**

5. **Petitions**

There are no petitions to be presented.

6. **Questions from the Public**

**The following questions have been submitted:**

1. **From Dr Burrell to Councillor Monk, Leader of the Council**

Will the Leader please explain how and why a £1.132m Call-Off contract could rightfully have been awarded to Faithfull & Gould (F&G) and why this was done without the recorded authorisation of the s151 officer or anyone more senior in the council than level K. F&G were appointed lead project management consultant for the Princes Parade development and commenced work 3 months prior to planning consent being granted on 18 July 2019. The Pagabo Framework Agreement, under which F&G were the single pre-nominated consultant, did not provide the opportunity for competitive tendering for either the contract nor the Framework. In all respects this was an irregular commitment from an already insufficient Capital budget that should not have occurred and I ask that this should be explained.

2. **From Mrs Lawes to Councillor Mrs Hollingsbee, Deputy Leader and Cabinet Member for Communities**

Can the cabinet member explain how and what they are doing to actively reduce the deprivation in the district?

3. **From Mr Cooper to Councillor Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building control**

As a council tax payer in St Mary's Bay I have noticed that the council is clearly not fulfilling its statutory duties towards the environment. Could you please inform me when I and other residents of the Bay can expect to receive a real, meaningful and proper street sweeping service from you and your council in order to ensure, in accordance with the associated codes of practice and the advertised schedules on the councils website, that the pavements, gutters and alleyways are cleared and swept of all rubbish, leaf matter and other accumulated detritus including weeds, or is the

council expecting its tax payers to issue Litter Abatement Orders through the Magistrates Court before it will act.

**4. From Mr Deane to Councillor Monk, Leader of the Council**

In the light of growing concerns over environmental quality, will the council commit to an air quality monitoring exercise along the Dymchurch Road from the Dymchurch side of the new Aldi store to the traffic lights at the junction of the light railway station? This to be recorded at different periods throughout the day, week and year.

**5. From Mr Rylands to Councillor Wimble, Cabinet Member for the District Economy**

What is the total expenditure by our Council for the delivery of the Mountfield Rd Phase IV project New Romney, up to the 26th Sept 2019.

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

Is the council practising social exclusion in its service delivery by abandoning and neglecting the maintenance or replacement of play equipment; and closing children's playgrounds often unexpectedly and without, or at short, notice by only allocating the total sum of £15,000 in this years budget to cover the maintenance and replacement of play equipment for the whole of the district?

**7. From Ms Glen to Councillor Monk, Leader of the Council**

Talk of Compulsory Purchase of the Leas Pavilion has been ongoing for months now, but is this appropriate given that the owners have been attempting to comply with the works requested in the Repairs Notice dated February 2019? May we therefore now have a clear statement as to what actually is the Council's position with regards to the future of the Leas Pavilion?

**7. Questions from Councillors**

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

Up to 45 minutes is allowed for questions from councillors.

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

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

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

9. **Opposition Business**

The Green Party has raised the following matter:

Full Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company's ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, current law significantly restricts councils' ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to request that cabinet adopts the following matters:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.
9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies

The Councils for Fair Tax Declaration can be found here <https://fairtaxmark.net/wp-content/uploads/2019/07/Councils-for-Fair-Tax-Declaration.pdf>

Debates on opposition business shall be limited to 15 minutes. If the time limit is reached or the debate concludes earlier, the leader of the group raising the item shall have a right of reply.

The Council shall:

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

## 10. **Motions on Notice**

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

1. Councillor McConville, Leader of the Labour Party:

This Council moves to, under part 4 section 25.2 amend the

constitution in regards to part 4 section 12.6. "Time-limit debates on opposition business shall be limited to 15 minutes". This should be amended to read 30 minutes.

*As per the constitution, this item was proposed and seconded at the meeting held o 24 July 2019, and is now open for debate.*

2. Councillor Prater, Leader of the Liberal Democrat Party:

"This Council believes that a Committee system is appropriate for its Governance in the future and asks the Audit and Governance Committee to consider the issue at the earliest opportunity.

"If the Audit and Governance Committee endorses this view when it reports to Council it should suggest an outline committee structure."

3. Councillor McConville, Leader of the Labour Party:

"This Council moves to, under part 5 section 27.2 amend the constitution in regard to part 5 section 6.2. A councillor, who has proposed a motion which has been referred to a committee or sub-committee, shall be given at least three clear working days' notice of the meeting, at which the motion will be considered, by the Head of Paid Service. If the councillor attends the meeting but is not a member of that committee or sub-committee, s/he shall have an opportunity to explain the motion to the committee or sub-committee.

This should be amended to read "A councillor, who has proposed a motion or Opposition Business". As per the constitution it is resolved that this motion stand adjourned, without discussion until the next ordinary meeting of the Council".

4. Councillor McConville, Leader of the Labour Party:

"This Council condemns the purchase of Westenhanger Castle without the specific prior agreement of this Council."

11. **Report to Council on a Key Decision made in accordance with the constitution's call-in and urgency rule (Pages 31 - 34)**

The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.