

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 31 October 2018 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

J S Back	A Friend	S M Le Chevalier
S F Bannister	R J Frost	S C Manion
T J Bartlett	B Gardner	K Mills
P M Beresford	B J Glayzer	K E Morris
P M Brivio	D Hannent	D P Murphy
B W Butcher	P J Hawkins	A M Napier
P I Carter	P G Heath	M J Ovenden
N J Collor	J M Heron	A S Pollitt
M D Conolly	M J Holloway	G Rapley
M I Cosin	S J Jones	M Rose
G Cowan	P D Jull	P M Wallace
D G Cronk	L A Keen	
M R Eddy	P S Le Chevalier	

Officers: Chief Executive
Director (Environment and Corporate Assets)
Solicitor to the Council
Democratic Services Manager

30 **APOLOGIES**

Apologies for absence were received from Councillors D A Sargent and P Walker.

31 **MINUTES**

The Minutes of the meeting held on 25 July 2018 were approved as a correct record and signed by the Chairman.

32 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

33 **ANNOUNCEMENTS**

The Chairman of the Council, Councillor S S Chandler, made the following announcements:

- (a) That a slide show had been set up in the HMS Brave Room highlighting the work of the Inspire Fund. Since its launch in February 2016, the Inspire Fund had received 899 referrals and worked with 43 delivery partners.
- (b) The Chairman had presented Discovery Awards to eleven young people as part of the John Muir Awards scheme.

- (c) The White Cliffs Branch of the Royal British Legion had presented the Council with a plaque. The Council supported all the Royal British Legion branches in the district where it could and it was pleasing that this had been recognised with the approach of Remembrance Day.
- (d) To announce the death of Councillor C J Meredith, who had been a Liberal Democrat member for the Whitfield Ward between 2003–2011. The Chairman praised his commitment to his community and offered condolences to his friends and colleagues.

The Chairman invited other members of the Council to share their memories of Councillor Meredith.

The Council stood in silence for one minute as a mark of respect.

34 DOVER DISTRICT LEISURE CENTRE PRESENTATION

The Council received a presentation from Hadron Consulting, GT3 Architects and Places Leisure in respect of the new Dover District Leisure Centre.

Following the presentation, members discussed the following points:

- The social enterprise nature of Places Leisure, with all profits reinvested into the business.
- To welcome the accessibility improvements in the new leisure centre.
- To enquire about the progress of the travel plan for the new leisure centre and what public transport arrangements would be in place when it opened. It was stated that the travel plan would be published before the new leisure centre opened.
- The importance of ensuring the accessibility to the new leisure centre for rural communities.
- The environmental standards of the building including its target of achieving a BREAAAM rating of very good.
- The importance of ensuring that the pricing for the new leisure centre was suitable for the local market so as to not discourage use.

The Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett, emphasised the unique nature of the facility in the Kent and thanked everyone involved in the project.

35 LEADER'S TIME

The Leader of the Council, Councillor K E Morris, included the following matters in his report:

(a) BREXIT Impact

That the global media had taken up the issue of BREXIT and Dover had become a focus of interest for the impact of BREXIT on day one of leaving the European Union. He thanked the media team for their handling of enquiries and Councillor N J Collor for undertaking some of the media interviews. A roundtable event on BREXIT had been organised by the LGA and DDC.

That a letter had been sent to the Secretary of State for Transport, Chris Grayling MP, emphasising the importance of the short straits route.

That the Prime Minister and President Macron of France had agreed to support the economic development of the Dover-Calais area.

That the BREXIT Task Force papers were available on the Council's website.

(b) Local Enterprise Partnership (LEP)

That the Kent and Medway LEP had responded to the government in respect of LEPs to advise that it did not want any change to the current arrangements.

(c) East Kent Spatial Development Company

That £700,000 had been awarded for Albert Road, Deal.

(d) Business Rates

That the Kent Leaders Group had agreed to apply to be part of the 2019/20 Business Rate Retention Pilot. This followed Kent being part of the 2018/19 pilot.

(e) Electoral Review of the Dover District

That the Local Government Boundary Commission for England (LGBCE) had published its final proposal for the new wards to be used from May 2019. A consultation on polling districts was currently underway.

(f) High Streets

The rise in online shopping was continuing to impact on high streets nationwide. The Council through its grant scheme was investing in Dover's High Street and it was hoped to see the first new shop open soon as a result.

(g) St James

The development was now 90% let or in legal discussions to let and the feedback received was that business was brisk. There were plans for further improvements to the surrounding area in addition to those for Flying Horse Lane.

(h) Local Authority Borrowing Cap

It had been announced that this would be lifted but the Council was waiting to see the details.

(i) Housing

The Council had purchased 15 former council houses and was in the process of purchasing an additional 11 former council houses. The Council's work to tackle homelessness remained a priority.

(j) Cinema in Deal

The Council was working with the Astor Theatre to provide an interim cinema in Deal until the planning application for the Regent Cinema was submitted.

(k) Deal Pier

The works on the pier were progressing well and the café tenants were planning for the fit out.

(l) Dover District Lottery

The Council currently provided funding to the voluntary sector through the oversubscribed community grants scheme. The Cabinet had agreed to set up a lottery to provide an additional funding stream for the voluntary sector and similar lotteries were already operated in Thanet District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council. It was expected that this would add an additional £40,000 in funding and would not affect the grants currently in place.

The lottery would contribute 60 pence in every £1 generated and would be launched in 2019.

(m) Armed Forces Bronze Award

The Council had been recognised for its support of the armed forces, including existing or prospective employees who are members of the community, with a bronze award. It was intended that the Council would apply for the silver award in 2019 and the gold award in 2020

(n) 'There but not there'

To highlight the 'there but not there' figures in the silhouette of World War One soldiers in the Council Chamber. These were a wonderful act of remembrance in light of the approaching centenary of the end of the First World War.

The Leader of the Main Opposition Labour Group, Councillor M R Eddy, included the following matters in his report:

- (a) To welcome the news of the second meeting of the BREXIT Task Force group and to emphasise that the Port of Dover was also a cruise terminal and that it was important to understand what impact BREXIT would have on the cruise business.
- (b) The urgency for the work on the Lower Thames Crossing to begin.
- (c) That the scheme for Albert Road, Deal was not what was needed as the road plans were insufficient.
- (d) To agree on the need to contribute to the polling district review.
- (e) To welcome the High Street grant scheme but emphasise the need to do more with s215 notices to improve buildings in the town centre.
- (f) To question whether operating a local lottery was innovative given that similar schemes were already operated by 26 other local authorities.
- (g) To recognise the service of current and ex-service personnel and emphasise the need to do more to support their return into civilian life.
- (h) To point out that the small business relief in the budget would not commence until April 2019 and would run for three years.

In response, the Leader of the Council raised the following matters in his right to reply:

- (a) That the Port of Dover represented the cruise terminal at the BREXIT meetings.
- (b) That s215 notices were being pursued as vigorously as the scheme allowed.
- (c) That it was estimated that 400 additional businesses in the district would qualify for business rate relief. Local Authorities would be fully compensated for any losses.
- (d) That, subject to seeing further details, the Council was interested in participating in the Future High Streets Fund.

36 QUESTIONS FROM THE PUBLIC

There were no questions received from members of the public within the notice period.

37 AUTHORISED ABSENCE

It was moved by Councillor M R Eddy, duly seconded by Councillor B Gardner and

RESOLVED: That the non-attendance of Councillor N A G Richards' at meetings of the authority be approved on ill health grounds for the period commencing 16 May 2018 pursuant to the provisions of section 85(1) of the Local Government Act 1972.

38 REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS

The Director of Governance presented the Review of Allocation of Seats to Political Groups.

It was moved by Councillor K E Morris, duly seconded by Councillor M R Eddy and

- RESOLVED:
- (a) That the Dover Joint Transportation Board and the 2 Overview and Scrutiny Committees be considered as Ordinary Committees for the purposes of calculating the allocation of seats for political groups.
 - (b) That a Licensing Committee be appointed with 15 seats and, whilst noting the duty to ensure political proportionality does not apply to the Licensing Committee, its seats be allocated to reflect the overall proportionality of the Council.
 - (c) That, having noted the allocation of seats calculated in accordance with the provisions of the Local Government and Housing Act 1989, the Council Committees be constituted as indicated below for the remainder of the municipal year and the Boards and Forums be constituted with the membership, Chairman, Vice-Chairman and Spokespersons as shown:

DOVER JOINT TRANSPORTATION BOARD

- | | | | |
|---|-------|-------------|---------------------------------|
| 1 | (CON) | J S Back | Chairman (appointed by Cabinet) |
| 2 | (CON) | A Friend | |
| 3 | (CON) | P D Jull | |
| 4 | (CON) | M J Ovenden | |
| 5 | (LAB) | P M Brivio | |
| 6 | (LAB) | D G Cronk | |
| 7 | (LAB) | P M Wallace | |

In addition, there are 7 KCC members, 2 KALC representatives and 3 town council representatives.

EAST KENT SERVICES COMMITTEE

- | | | | |
|---|-------|-------------|------------------|
| 1 | (CON) | K E Morris | Executive Member |
| 2 | (CON) | M D Conolly | Executive Member |

EAST KENT SERVICES COMMITTEE NAMED SUBSTITUTES

- | | | | |
|---|-------|--------------|------------------|
| 1 | (CON) | N J Collor | Executive Member |
| 2 | (CON) | T J Bartlett | Executive Member |

ELECTORAL MATTERS COMMITTEE

- | | | | |
|---|-------|--------------|---------------|
| 1 | (CON) | K E Morris | Chairman |
| 2 | (CON) | S S Chandler | Vice-Chairman |
| 3 | (CON) | F J W Scales | |
| 4 | (LAB) | M R Eddy | |
| 5 | (LAB) | B Gardner | |

GENERAL PURPOSES COMMITTEE

- | | | | |
|---|-------|------------------|---------------|
| 1 | (CON) | S M Le Chevalier | Chairman |
| 2 | (CON) | M D Conolly | Vice-Chairman |
| 3 | (CON) | D P Murphy | |
| 4 | (LAB) | M R Eddy | |
| 5 | (LAB) | B Gardner | |

GOVERNANCE COMMITTEE

- | | | | |
|---|-------|---------------|---------------|
| 1 | (CON) | P G Heath | Chairman |
| 2 | (CON) | D Hannent | Vice-Chairman |
| 3 | (CON) | B W Butcher | |
| 4 | (CON) | P I Carter | |
| 5 | (LAB) | S F Bannister | |
| 6 | (LAB) | M I Cosin | |
| 7 | (LAB) | M R Eddy | |

JOINT STAFF CONSULTATIVE FORUM

- | | | |
|---|-------|------------------|
| 1 | (CON) | M D Conolly |
| 2 | (CON) | P G Heath |
| 3 | (CON) | S M Le Chevalier |
| 4 | (LAB) | M I Cosin |
| 5 | (LAB) | K Mills |

In addition, there are 5 staff representatives appointed to the Forum.

JOINT HEALTH, SAFETY AND WELFARE CONSULTATIVE FORUM

- | | | |
|---|-------|------------------|
| 1 | (CON) | M D Conolly |
| 2 | (CON) | P G Heath |
| 3 | (CON) | S M Le Chevalier |

- 4 (LAB) M I Cosin
- 5 (LAB) K Mills

In addition, there are 5 staff representatives appointed to the Forum.

The Joint Staff Consultative Forum and Joint Health, Safety and Welfare Forum are responsible for electing a Chairman and Vice-Chairman.

LICENSING COMMITTEE

- 1 (CON) B W Butcher
- 2 (CON) A Friend
- 3 (CON) D Hannent
- 4 (CON) P D Jull
- 5 (CON) P S Le Chevalier
- 6 (CON) S M Le Chevalier
- 7 (CON) D P Murphy
- 8 (CON) M J Ovenden
- 9 (CON) M Rose
- 10 (LAB) S F Bannister
- 11 (LAB) P M Brivio
- 12 (LAB) M R Eddy
- 13 (LAB) B Gardner
- 14 (LAB) A M Napier
- 15 (LAB) D G Cronk

The Licensing Committee elects its own Chairman and Vice-Chairman.

PLANNING COMMITTEE

- 1 (CON) F J W Scales Chairman
- 2 (CON) B W Butcher Vice-Chairman
- 3 (CON) P M Beresford
- 4 (CON) T A Bond
- 5 (CON) D P Murphy
- 6 (CON) M J Ovenden
- 7 (LAB) B Gardner Spokesperson
- 8 (LAB) D G Cronk
- 9 (LAB) M R Eddy
- 10 (LAB) P M Wallace

REGULATORY COMMITTEE

- 1 (CON) B W Butcher Chairman
- 2 (CON) P S Le Chevalier Vice-Chairman
- 3 (CON) D P Murphy
- 4 (LAB) P M Brivio
- 5 (LAB) B Gardner

SCRUTINY (COMMUNITY & REGENERATION) COMMITTEE

- 1 (LAB) L A Keen Chairman
- 2 (LAB) G Cowan Vice-Chairman
- 3 (LAB) P J Hawkins
- 4 (LAB) P M Brivio
- 5 (CON) T A Bond Spokesperson
- 6 (CON) M J Ovenden Deputy Spokesperson
- 7 (CON) P I Carter

- 8 (CON) N Dixon
- 9 (CON) S C Manion
- 10 (CON) P D Jull

SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

- 1 (LAB) K Mills Chairman
- 2 (LAB) M I Cosin Vice-Chairman
- 3 (LAB) J M Heron
- 4 (LAB) D A Sargent
- 5 (CON) S C Manion Spokesperson
- 6 (CON) P D Jull
- 7 (CON) T A Bond Deputy Spokesperson
- 8 (CON) P I Carter
- 9 (CON) M J Ovenden
- 10 (CON) M Rose

39 SEAT ALLOCATION AND GROUP APPOINTMENTS

Councillor M R Eddy advised that Councillor J M Heron would replace Councillor P Walker as the Shadow Portfolio Holder for Community Services.

RESOLVED: That it be noted that Councillor J M Heron had been appointed as the Shadow Portfolio Holder for Community Services.

40 CHANGES TO THE CHIEF OFFICER STRUCTURE

The Chief Executive introduced the report on the proposed changes to the Chief Officer Structure.

Members thanked the Director of Governance for his work.

It was moved by Councillor M D Conolly, duly seconded by Councillor P G Heath and

RESOLVED: (a) That the reduction of Chief Officers from the Corporate Management Team to the Chief Executive and two Strategic Directors be approved with effect from 1 January 2019.

(b) That the re-distribution of functions between the Chief Officers who form the Council's Corporate Management Team be approved with effect from 1 January 2019.

(c) That Mr Harvey Rudd be designated as the Council's Monitoring Officer with effect from 1 January 2019.

(The Solicitor to the Council, Mr H Rudd, withdrew from the meeting for the consideration of this item of business.)

41 REVIEW OF THE CONSTITUTION 2018 - COUNCIL QUESTIONS AND ANSWERS

The Director of Governance presented the Review of the Constitution 2018 – Council Questions and Answers.

It was moved by Councillor P G Heath, duly seconded by Councillor M R Eddy and

RESOLVED: (a) That Council Procedure Rule 12 of the Constitution of the Council be amended to include the addition of a new rule 12.5 as follows:

“12.5 A Member raising a question under Council Procedure Rule 12.1 will be provided at the closure of the Council meeting with the written information prepared by officers as background to the relevant member of the executive’s verbal answer to the question. This written information will be made available to all other Members of the Council alongside the following week’s edition of the Members’ Weekly News.”

(b) That it be agreed the amendment take place with immediate effect so as to enable its application at the meeting of the full Council to be held on 31 October 2018.

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QUESTIONS FROM MEMBERS

In accordance with Rule 12(1) of the Council Procedure Rules, Members of the Cabinet responded to the following questions:

(1) Councillor P J Hawkins asked the Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett:

“What action has this council taken on the Regent Cinema since the legal planning notice deadline passed on 31st August?”

In response, the Portfolio Holder for Environment, Waste and Health, Councillor N S Kenton, advised that he supported Deal having a cinema and the Council would pursue a s.215 notice through the proper processes if the exterior of the Regent was not up to requirements.

In accordance with Council Procedure Rule 12.5, Councillor P J Hawkins exercised her right to ask one supplementary question.

(2) Councillor M R Eddy asked the Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett:

“Is the Portfolio Holder for Property Management and Environmental Health happy with the current condition of Deal Pier, after the lengthy closure of the landmark for its refurbishment and Diamond anniversary?”

In response, Councillor T J Bartlett advised that in broad terms he was content with the current condition, which was improving daily, as work continued on both the installation of the replacement seating and the storm damage repairs. He was pleased that the Council was replacing the damaged timber on the lower deck with metal grilles, which are infinitely less likely to be damaged by future storms and high seas.

The gas supply pipe, which caused the closure, had been replaced. While the pier stem was a building site, the opportunity was taken to bring forward work to reline the pumped sewage tank to prolong its life and to cut in maintenance access panels to make future routine maintenance easier. Hand rails were also repainted along the length of the pier whilst there was

no chance that members of the public could have possessions damaged through contact with wet paint.

The asphalting on the pier stem was substantially re-laid while the pier was closed however, following remedial work required by Council officers, the pier stem surface had weathered to an acceptable standard.

In accordance with Council Procedure Rule 12.5, Councillor M R Eddy exercised his right to ask one supplementary question.

- (3) Councillor P M Brivio asked the Portfolio Holder for Housing and Homelessness, Councillor P M Beresford:

“Following the announcement by the Prime Minister that the HRA borrowing cap will be scrapped, will this council take advantage of this decision by building more much-needed council houses when the legislation is passed?”

In response, the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly, stated that prior to the scrapping of the HRA borrowing cap the Council’s HRA had a cap of £92m, and borrowing of circa £78m, so there was £14m of borrowing headroom. The scrapping the cap would mean that the headroom became unlimited. However, the Council would only borrow where there was a sound business case to do so and if the borrowing met the requirements of the Prudential Code.

It was not the Council’s policy to burden tenants, who finance the HRA, with unsustainable borrowing costs, or to borrow against uncertain rent income and assets.

In the immediate future the Council’s considerable housing development plans would be financed primarily by Right to Buy receipts and the Housing Investment Reserve, although this did not rule out borrowing should the need arise and the plans be prudent.

In accordance with Council Procedure Rule 12.5, Councillor P M Brivio exercised her right to ask one supplementary question.

- (4) Councillor P M Brivio asked the Leader of the Council, Councillor K E Morris:

“When is the next meeting of the Brexit Taskforce due to take place?”

In response Councillor K E Morris advised that two meetings of the Brexit Taskforce had taken place on the 15th June and the 19th October, with a third meeting due to take place in November/December 2018.

In accordance with Council Procedure Rule 12.5, Councillor P M Brivio exercised her right to ask one supplementary question.

- (5) Councillor M R Eddy asked the Leader of the Council, Councillor K E Morris:

“Will the Leader join with me in congratulating Dover and Deal Town Councils in retaining their fair trade status and will he commit to making this district a ‘Fair Trade Community’?”

In response Councillor K E Morris congratulated Dover and Deal on retaining Fairtrade status and advised that the Mayor of Sandwich had confirmed that Sandwich Town Council would also work towards for Fairtrade status. The Leader would look into what was required for Dover District Council to also achieve Fairtrade status.

In accordance with Council Procedure Rule 12.5, Councillor M R Eddy exercised his right to ask one supplementary question.

- (6) Councillor P M Wallace asked the Portfolio Holder for Housing and Homelessness, Councillor P M Beresford:

“Is the Portfolio Holder for Housing and Homelessness confident that this council has robust and rigorous procedures in place to check the works and billing undertaken by contractors and sub-contractors?”

In response, it was stated that this is more properly a question for the Portfolio Holder for Corporate Resources and Performance, who was responsible for the financial systems and processes adopted by the Council. The works contracts managed by the Council were mainly administered by the Property Services team. The officers responsible managed both pre and post works inspections, as required and based on the contract, the type of works and experience of the contractor. Billing checks follow a similar risk based approach. On this basis the Portfolio Holder was satisfied that the procedures in place are appropriate and proportionate.

Councillor P M Wallace did not ask a supplementary question.

- (7) Councillor S F Bannister asked the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Will the Portfolio Holder for Access and Licensing join me in condemning the Government's mishandling of the Brexit negotiations, that is resulting in the probable wasting of millions of pounds of public money on lorry parks being constructed on our motorways, in case we don't agree a sensible deal in time for the March deadline.”

In response, Councillor N J Collor stated that he was not party to any discussions between the United Kingdom and the European Union so was not in a position to answer the question.

In accordance with Council Procedure Rule 12.5, Councillor S F Bannister exercised his right to ask one supplementary question.

- (8) Councillor P M Wallace asked the Leader of the Council, Councillor K E Morris:

“Can I be shown a copy of the council's strategic plan to support Dover town centre, from London Road to the St James development?”

In response, Councillor K E Morris stated that he could. The emerging proposals for possible improvements in Dover town centre were first tabled at a Project Advisory Group in May 2017. This was further developed by the Town Team in their bid for Coastal Community Funding in 2017, which had subsequently been taken forward by the Council and referred to in the report to Cabinet in January 2018.

In addition to this, it should be noted that, for planning purposes, the northern boundary of Dover town centre currently terminated at Ladywell. London Road, while fulfilling a local role, did not sit within the town centre. Currently, there was more shopping floor space available in the town centre than the demand to support it. Consequently, the future Local Plan might need to take a more discerning view on where the town centre was defined."

In accordance with Council Procedure Rule 12.5, Councillor P M Wallace exercised his right to ask one supplementary question.

43 MOTIONS

In accordance with Council Procedure Rule 13, Councillor M R Eddy moved the Motion of which he had given notice as follows:

"This council notes the Prime Minister's announcement that austerity is over, congratulates her on the adoption of Labour party policy and looks forward to the additional funding needed to fund existing services and additional pressures."

The Motion was duly seconded by Councillor P M Wallace.

Councillor K E Morris moved an AMENDMENT, duly seconded by Councillor J S Back, as followed:

"This council notes and welcomes the Prime Minister's announcement that austerity is over, congratulates her on the management of the economy during difficult times, and looks forward to a brighter future for local authority funding."

On being put to the meeting the AMENDMENT was CARRIED.

On being put to the meeting the SUBSTANTIVE Motion was CARRIED and it was

RESOLVED: This council notes and welcomes the Prime Minister's announcement that austerity is over, congratulates her on the management of the economy during difficult times, and looks forward to a brighter future for local authority funding.

44 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor D Hannent, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

45 REDEVELOPMENT OF WILLIAM MUGE AND SNELGROVE SITES

It was moved by Councillor P M Beresford, duly seconded by Councillor F J W Scales and

RESOLVED: That the Budget and Policy Framework be amended to include the redevelopment of the William Muge and Snelgrove Sites in the capital programme.

46 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 8.32 pm