

# Public Document Pack

## MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 1 March 2017 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

J S Back	D G Cronk	S C Manion
S F Bannister	M R Eddy	K E Morris
T J Bartlett	A Friend	M J Ovenden
P M Beresford	R J Frost	A S Pollitt
T A Bond	B Gardner	G Rapley
P M Brivio	B J Glayzer	M Rose
B W Butcher	D Hannent	D A Sargent
P I Carter	P J Hawkins	F J W Scales
N J Collor	P G Heath	P Walker
M D Conolly	S J Jones	P M Wallace
M I Cosin	L A Keen	P A Watkins
G Cowan	N S Kenton	

Officers:

- Chief Executive
- Director of Environment and Corporate Assets
- Director of Finance, Housing and Community
- Director of Governance
- Team Leader – Democratic Support

### 71 APOLOGIES

Apologies for absence were received from Councillors N Dixon, S Hill, M J Holloway, P S Le Chevalier, S M Le Chevalier and D P Murphy.

### 72 MINUTES

The Minutes of the meeting held on 25 January 2017 were approved as a correct record and signed by the Chairman.

### 73 DECLARATIONS OF INTEREST

The following declarations of interest were made by Members:

Councillor P I Carter declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor S S Chandler declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of her husband's ownership of rented property.

Councillor A Friend declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor D Hannent declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor P G Heath declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor N S Kenton declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor S C Manion declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor P A Watkins declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

#### 74 ANNOUNCEMENTS

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

- (a) To advise that Councillor A F Richardson (Maxton, Elms Vale and Priory Ward) had resigned on 28 February 2017.
- (b) To ask that Members complete their Related Party Transaction forms.

#### 75 LEADER'S TIME

The Leader of the Council, Councillor P A Watkins, included the following matters in his report:

- (a) That the Royal and Ancient had announced that The Open Golf Championship would return to Royal St George's Golf Club in Sandwich in 2020.

He thanked the Head of Inward Investment for his hard work and Mr Craig Mackinlay, MP (Thanet South) for his role in gaining Department of Transport support.

During the last Open at Sandwich, one of the previous obstacles had related to the capacity of the High Speed train service to cope with demand and as a result a platform extension was being added to allow a six car train to stop at the station. The options of a temporary or a permanent extension to the platform were being discussed, with a permanent solution being the preferred option.

The Portfolio Holder for Access and Licensing, Councillor N J Collor, was working to ensure that businesses in Sandwich benefited from the number of visitors that the Open Golf Championship would bring to the town.

- (b) The news that £5 million of funding had been allocated to the Dover Western Dock extension by the South East Local Enterprise Partnership.

- (c) That the next stage for the Betteshanger site was being discussed with the Homes and Community Agency.
- (d) That he had met with the Police and Crime Commissioner, Matthew Scott, in respect of modern slavery and people trafficking.
- (e) That he had met with the new owners of the Discovery Park and discussed their preference for an emphasis on life sciences.
- (f) That he had met with the Mayor of Dover, Councillor Neil Rix, to discuss Dover town centre development.
- (g) To express his sadness at the news of Councillor A F Richardson's resignation and praise his work on the Planning Committee over the years he had served on the Council.

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 return of the Open Golf Championship to Sandwich and congratulate the Head of Inward Investment on his work to bring it back. He emphasised the need to resolve the traffic problems that accompanied the last Open Golf Championship played at Royal St George's.
- (b) To welcome the news in respect of the Dover Waterfront. This emphasised the role of the public sector as a catalyst for development.
- (c) That the district needed tertiary education and to highlight the fit between food science and life sciences at the Discovery Park.
- (d) To advise that he had also met with the Kent Police and Crime Commissioner and had found him to be aware of the problems facing the Dover District.
- (e) To praise the professional manner in which Councillor A F Richardson approached planning matters.

The Deputy Leader of the Minority Opposition UK Independence Party Group made no report.

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

- (a) To advise that the master planning stage for the Western Heights was progressing well.
- (b) That the developers for the Fathingloe site were pressing for an accelerated hearing at the Supreme Court. The Court of Appeal had granted an accelerated hearing previously for this matter.
- (c) To agree that the Discovery Park and Hadlow College complemented each other.

The Leader of the Labour Group, Councillor M R Eddy, gave notice that Councillor G Cowan would replace Councillor S Hill on the Scrutiny (Community and Regeneration) Committee.

77 QUESTIONS FROM THE PUBLIC

In the absence of the questioner, Mrs J Mead, the Chairman advised that the question would not be dealt with.

78 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 M Brivio asked the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Can the Portfolio Holder for Access and Licensing tell the meeting if DDC has any plans to install charging points for electric vehicles?”

In response, the Portfolio Holder for Access and Licensing advised that while the decision as to whether to invest in the provision of charging points for electric vehicles remained under review the Council was encouraging new developments to install charging points. There would be 3 at the St James’s development and 4 at the new leisure centre.

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

- (2) Councillor P J Hawkins asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“The Portfolio Holder for Environment, Waste and Planning will recall that on the 13 September the Scrutiny (Policy and Performance) Committee made seven recommendations regarding the Regent Cinema including that the developer be given three months to submit an outline planning application and 6 months to submit a full planning application. Would he please update Council on the current situation regarding the seven recommendations?”

In response, the Portfolio Holder for Environment, Waste and Planning updated members on the decision of Cabinet made in October 2016 as followed:

- That Planning officers had been instructed to offer no further pre-planning advice to the developers and that it had been made clear to the developers that they now needed to progress with the submission of proposals for determination.
- That to date no planning application had been received although the 6 month deadline did not expire until early April 2017.

- That the building had been inspected by officers and following discussions with the developers, works were agreed to deal with concerns regarding the deterioration of the building. These had been completed to the satisfaction of officers without needing to issue Section 215 notices.
- That the Fire Officer had inspected the premises and the concerns which he raised had been dealt with. Officers from the Council's Property Services team had undertaken inspections and were satisfied that for now there was no impact on the Timeball Tower.
- That the correct business rate payments had been made for the property.
- That the consideration of the remaining recommendations would be considered after the deadline for a planning application to be received had expired.

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

- (3) Councillor S J Jones asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"Why does this Council, when assessing tenders for goods and services not include in reports to Councillors if it has taken into account during the procurement process the social value requirements as defined by the Local Services Social Value Act 2012 which requires councils to consider the social, environmental and economic impact of contracts and how they can best impact the local community alongside best value for money, as it does with legal and equality and diversity requirements?"

In response, the Portfolio Holder for Corporate Resources and Performance advised that this was currently considered by the procurement lead at the outset in consultation with project officers and when drafting the tender documentation and evaluation methodology.

In accordance with Council Procedure Rule 12.5, Councillor S J Jones exercised her right to ask one supplementary question and requested a written response to it.

- (4) Councillor L A Keen asked the Leader of the Council, Councillor P A Watkins:

"Can the Leader of the Council describe the mechanisms for informing and consulting local residents on the proposed 4-council merger within the engagement exercise proposed in the consultants' report?"

In response, the Leader of the Council referred Councillor L A Keen to the information contained within Appendix 2 of the East Kent Councils Merger report as published in the Cabinet agenda for the meeting held on 1 March 2017.

In accordance with Council Procedure Rule 12.5, Councillor L A Keen exercised her right to ask one supplementary question.

- (5) Councillor B Gardner asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“At cabinet in January 2017 when the item on planning appeals and planning conditions was discussed it was proposed that a working party of three councillors should be set up as a matter of urgency to discuss the whole situation of planning. Would the Portfolio Holder for Environment, Waste and Planning inform the Council as to when the first meeting of this group might take place?”

In response, Councillor N S Kenton advised that Cabinet had agreed to conduct a review of the Council's Planning Enforcement Plan which would include consideration of the imposition of conditions and their enforcement. As part of the review process the Portfolio Holder for Environment, Waste and Planning, Chairman of the Planning Committee and the Planning Committee Spokesperson would be included and terms of reference for the review were being drafted by officers.

In accordance with Council Procedure Rule 12.5, Councillor B Gardner exercised his right to ask one supplementary question.

- (6) Councillor G Cowan asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“Can the Portfolio Holder for Corporate Resources and Performance inform the Council how much this Council has received in Capital Receipts from the sale of land in Aylesham used for the new housing developments and what percentage will the Aylesham area receive?”

In response, Councillor M D Conolly advised that £415,318 in capital receipts had been received in respect of Aylesham to date with additional receipts of £1.577 million (Phase 1a Market Overage) and £6.837 million (Phase 1b Land Payment) anticipated. These would form part of the total overall available capital receipts and are not ring-fenced for Aylesham and instead would be allocated across the whole district in accordance with the Council's investment priorities.

In accordance with Council Procedure Rule 12.5, Councillor G Cowan exercised his right to ask one supplementary question.

- (7) Councillor P M Brivio asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being provide an update on the Selective Licensing Scheme that this Council agreed to introduce in January 2015?”

In response, Councillor P M Beresford advised that at the time of the original Motion passed in January 2015 the analysis of relevant data indicated that the area under consideration did not meet the criteria for a Selective Licensing Scheme as laid out in the provisions of the Housing Act 2004.

Additional criteria were added later in 2015 in respect of deprivation and property conditions. A private sector stock condition survey had recently been undertaken and following the results of this the Council had requested a further more detailed analysis in respect of property conditions.

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

- (8) Councillor B Gardner asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“In March 2015 there was a training session for councillors at which councillors were informed that there was a backlog of just over 600 planning enforcement cases. Members were further informed that the Portfolio Holder for Environment, Waste and Planning had agreed to write off over 60% of these as they were not worth pursuing for various reasons, but that the remaining 245 would be taken up. Can the Portfolio Holder confirm if he has written off another 200 cases and, if so, how many are still being pursued?”

In response, Councillor N S Kenton advised that the enforcement team was maintaining a caseload of around 200 cases at any one time.

In accordance with Council Procedure Rule 12.5, Councillor B Gardner exercised his right to ask one supplementary question.

- (9) Councillor G Cowan asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Could the Portfolio Holder for Housing, Health and Well-being inform the Council of the percentage of new houses in Aylesham that will be offered to Aylesham people as social housing?”

In response, Councillor P M Beresford advised that as Aylesham was not a rural exception site the occupancy of affordable housing could not be restricted to or prioritised for people already living in Aylesham or with family connections in Aylesham. Instead, affordable housing would be offered to people within the district with the most need which could include people from Aylesham.

In accordance with Council Procedure Rule 12.5, Councillor G Cowan exercised his right to ask one supplementary question.

## 79 ELECTION OF A CHAIRMAN

In the absence of the Chairman and Vice-Chairman who withdrew from the meeting following their declarations of a Disclosable Pecuniary Interest (DPI) in the Motion at Minute No. 80(1), the Team Leader – Democratic Support called for nominations for the Chairman for the next item of business.

It was proposed by Councillor M R Eddy and duly seconded that Councillor D G Cronk be elected Chairman for the next item of business.

In the absence of any other nominations it was put to the meeting and

**RESOLVED:** That Councillor D G Cronk be elected as Chairman for the next item of business.

MOTIONS(1) Motion from Councillor D A Sargent

In accordance with Council Procedure Rule 13, Councillor D A Sargent gave notice of his intention to move the following Motion:

"This Council recognises and notes the continuing problems that many people in the District living in private rented sector accommodation face due to poor maintenance of properties and uncertainty of how long they will be able to remain in their homes because of short term tenancies.

This Council agrees to request that the government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords and to seriously consider introducing some form of rent control."

The Motion was duly seconded by Councillor P M Brivio.

An AMENDMENT was moved by Councillor F J W Scales and duly seconded as followed:

"While recognising the work that the Government is already doing this Council requests that the Government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords."

Councillor F J W Scales made a Personal Explanation in respect of his speech to the AMENDMENT.

On being put to the meeting, the AMENDMENT was LOST.

On being put to the meeting, the original Motion was CARRIED.

RESOLVED: This Council recognises and notes the continuing problems that many people in the District living in private rented sector accommodation face due to poor maintenance of properties and uncertainty of how long they will be able to remain in their homes because of short term tenancies.

This Council agrees to request that the government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords and to seriously consider introducing some form of rent control.

(Councillor P I Carter declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)



(Councillor S S Chandler declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of her husband's ownership of rented property.)

(Councillor A Friend declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor D Hannent declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor P G Heath declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor N S Kenton declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor S C Manion declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor P A Watkins declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

At the conclusion of the item of business the Chairman of the Council returned to the Chair for the remaining items of business.

(2) Motion from Councillor S J Jones

In accordance with Council Procedure Rule 13, Councillor S J Jones gave notice of her intention to move the following Motion:

“Council believes that bidders for Council contracts should be asked to account for their past tax record, using the standards in Procurement Policy Note 03/14, rather than the lower standards in the recent regulations. Council calls for the Council's procurement procedures to be amended to require all companies bidding for Council contracts to self-certify that they are fully tax-compliant in line with central government practice, using the standards in PPN 03/14, applying to contracts of the size specified.

Council asks the Cabinet to publicise this policy and to report on its implementation annually for the next three years.”

The Motion was duly seconded by Councillor M R Eddy.

On there being an equality of votes, the Chairman used her second casting vote against the Motion, whereupon the Motion was LOST.

81 PAY POLICY STATEMENT

The Director of Governance presented the report on the Pay Policy Statement.

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

RESOLVED: That the Pay Policy Statement as set out at Appendix 1 of the report be approved and published on the Council's website.

COUNCIL BUDGET 2017/18 AND MEDIUM-TERM FINANCIAL PLAN 2017/18–2020/21

The Director of Finance, Housing and Community gave a presentation on the Council Budget 2017/18 and Medium Term Financial Plan 2017/18 - 2020/21.

It was moved by Councillor M D Conolly, and duly seconded, that the recommendations set out in the report incorporating the recommendations of the Cabinet at its meeting held on 1 March 2017, be approved.

- RESOLVED:
- (a) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account Budget, the Council Tax Resolution and the content of the Medium Term Financial Plan 2017/18 – 2020/21 be approved.
  - (b) That it be noted that it is the view of the Director of Finance, Housing and Community (Section 151 Officer) that the budget has been prepared in an appropriate and prudent manner and that based upon the information available at the time of producing this report the 2017/18 estimates are robust and the resources are adequate for the Council's current spending plans in 2017/18.
  - (c) That the various Council recommendations at the end of the sections within the attached budget and Medium Term Financial Plan, and summarised in Annex 14 to Appendix 1, be approved as follows:
    - (i) That the General Fund Revenue Budget for 2017/18 and the projected outturn for 2016/17 be approved.
    - (ii) That the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 6 be approved.
    - (iii) That the 2016/17 Projected Outturn and the 2017/18 HRA budget at Annex 7 be approved.
    - (iv) That the approval of individual projects to be financed by the HIR be delegated to the Cabinet.
    - (v) That the Capital and Special Revenue Projects Programmes be approved.
    - (vi) That the capital resources required to finance new projects be secured before new projects commence.
    - (vii) That the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision statement, be approved.

- (viii) That the Council Tax Resolution as set out at Annex 10A be approved.
- (ix) That it be noted that if the formal Council Tax Resolution at Annex 10A is approved, the total Band D Council Tax will be as set out at Annex 14 of the report.

The Team Leader – Democratic Support advised that the vote would have to be a recorded vote in accordance with Council Procedure Rule 18.6. The manner of the voting was as followed:

<u>FOR (19)</u>	<u>AGAINST (13)</u>	<u>ABSTAIN (0)</u>
J S Back	S F Bannister	
T J Bartlett	P M Brivio	
P M Beresford	G Cowan	
T A Bond	D G Cronk	
B W Butcher	M R Eddy	
P I Carter	B Gardner	
S S Chandler	B J Glayzer	
N J Collor	S J Jones	
M D Conolly	L A Keen	
A Friend	A S Pollitt	
R J Frost	G Rapley	
D Hannent	P Walker	
P G Heath	P M Wallace	
N S Kenton		
K E Morris		
M J Ovenden		
M Rose		
F J W Scales		
P A Watkins		

### 83 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.35 pm