

# Public Document Pack



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17 October 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 19 October 2022 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

2 **MINUTES** (Pages 2 - 13)

To confirm the Minutes of the meeting held on 20 July 2022.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

**MINUTES OF PROCEEDINGS**

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 20 July 2022 at 6.00 pm.

Present:

Chairman: Councillor M D Conolly

Councillors:

J S Back	N J Collor	K Mills
T J Bartlett	D G Cronk	D P Murphy
M Bates	D R Friend	O C de R Richardson
D G Beaney	J P Haste	M Rose
S H Beer	D A Hawkes	C A Vinson
E A Biggs	M F Hibbert	R S Walkden
T A Bond	P D Jull	H M Williams
P M Brivio	L A Keen	C F Woodgate
S S Chandler	N S Kenton	

Officers: Chief Executive  
Strategic Director (Operations and Commercial)  
Strategic Director (Corporate Resources)  
Solicitor to the Council  
Democratic and Corporate Services Manager  
Democratic Services Officer  
Democratic Services Officer

19 **APOLOGIES**

Apologies for absence were received from Councillors D Hannent, S C Manion, P Walker and C D Zosseder.

20 **SUSPENSION OF COUNCIL PROCEDURE RULE 18.3 (VOTING - SHOW OF HANDS)**

It was moved by Councillor C A Vinson, duly seconded by Councillor R S Walkden, and

RESOLVED: That Council Procedure Rule 18.3 be suspended for the duration of the meeting.

(In accordance with Council Procedure Rule 25.1(2) at least one half of the members of the Council were present.)

21 **MINUTES**

The Minutes of the meeting held on 18 May 2022 were approved as a correct record and signed by the Chairman.

22 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members.

23 ANNOUNCEMENTS

The Chairman of the Council, Councillor M D Conolly, made the following announcements:

(a) Baton Relay

That the Queen's Baton Relays were held in Deal and Dover. Due to weather the Deal relay had to be moved onshore from the pier. At Dover Castle there was music, entertainment and a demonstration by the Vista Twisters.

He thanked those involved in organising it for their hard work.

(b) Death of Former District Councillor John Bragg

Members were informed of the sad news of the death of former District Councillor John Bragg. He had represented the Sandwich Ward from 1990 – 2003. He served on numerous committees during his time on the Council. He was also a serving Sandwich Town Councillor from 1985 until his death and had been the Mayor of Sandwich from 1998 to 2001. He received an OBE for services to the Community in 2008.

Councillors T J Bartlett, D R Friend and K Mills shared their memories of former District Councillor John Bragg.

The Chairman asked Members to stand in silence as a mark of respect.

24 LEADER'S TIME

The Leader of the Council, Councillor T J Bartlett, included the following matters in his report:

(a) To express his pleasure at seeing so many well supported events in the district including:

- Queen's Platinum Jubilee Celebrations at which a flag designed by 11-year old Izzy Kirby was raised at Dover Castle;
- The return of Band of Royal Marines to Walmer which was attended by over 10,000 people; and
- The successful Skate Jam event.

He thanked the Council's Community and Tourism teams working in partnership with others.

(b) To welcome the launch of the White Mills Aquapark, Sandwich and Walmer Adventure Golf sites.

(c) That the new Market Square would be opening on 20 August 2022.

(d) That the Kearnsey Café's success was exceeding expectations.

(e) That the Mining Museum had seen 10,000 visitors since it had opened. A new Wave Garden and Hotel could also be coming to the site.

- (f) That there was no news to update Members on in respect of the Regent Hotel. He noted that the cinema industry had been adversely impacted by the pandemic. However, encouragingly the owners had been working with the Council's planning department on proposals for a scaled down mixed development scheme that would include a cinema.
- (g) To welcome that the Tides Project was continuing to move forward.
- (h) That the Inspire Families programme had funded a number of activities for families across the district.
- (i) That he written to a number of agencies and attended meetings where he had expressed his frustrations with the roads in Dover not being kept clear. He did not want to see a summer of chaos.
- (j) That he had received a letter from the family of Dame Vera Lynn following further meetings that he had with them following the news that the Council was not successful in the first round of Levelling Up Bids. However, after giving serious consideration to the matter the family had decided to work with other parties to identify a suitable site for a statue outside of the Dover area. He expressed his disappointment at this news but understood the family's position on the matter and advised that they had thanked the Council for its interest in the project and the assistance that had been provided.
- (k) The Council was in a position to submit its bid for the second round of Levelling Up bids. The bid had taken on board the comments of Dover Town Council and would address the need for regeneration in the Bench Street area through the creation of a new skills, training and education hub in conjunction with Dover College. The bid had been supported through a well-attended open day and had the support of the MP for Dover and neighbouring MPs.
- (l) That following the news that the Inland Border Facility at Whitfield would no longer be needed the land had been returned to the Department for Transport which was considering options for its future use. The DEFRA site for the Port Health Facility was still continuing but it was unlikely it would be needed until December 2023. The site would be handed over on 28 July 2022 and permission to occupy the offices was being awaited.
- (m) That following meetings with National Highways, they have shortlisted three options - two related to dualling of sections of the A2 along with improvements to the two main roundabouts and the third option was a bypass. A feasibility exercise would be conducted prior to the options going to consultation later in the year.
- (n) That work remained on track for the Dover Fast Track scheme with construction work underway on the two stretches of road from the Whitfield development to the Tesco roundabout and from the B&Q roundabout to Dover.
- (o) That work was underway to bring the Phoenix Centre in Sandwich back into use for the community.

- (p) That Councillor O C de R Richardson had met with some of the Trustees of the Roman Painted House and had committed to work with them to reopen it again. He welcomed the news that the Roman Painted House would open on Tuesday, Thursday and Saturday.
- (q) That work was underway to relocate the Deal Foodbank to Park Lane, Deal with a community hub also located in the building.
- (r) That the government had provided £400,000 in funding through the Household Support Grant.

The Leader of the Opposition Labour Group, Councillor K Mills, included the following matters in his report:

- (a) To advise that the Pencester Multi-Cultural Day had been a great success.
- (b) That with the decision not to go ahead with the Inland Border Facility he hoped that the site would not be wasted.
- (c) To point out that the MP for Dover had been silent over the future jobs that would be now lost through not going ahead with the Inland Border Facility at Whitfield.
- (d) That members needed to be updated on the future of the Bastion Point site.
- (e) To urge the Leader of the Council to write to Kent County Council to insist that preparations be put in place to ensure that Dover's traffic can be kept moving during the holidays due to the slow response the last time there was a problem.
- (f) To welcome the funding being provided through the Household Support Grant.
- (g) That the high levels of inflation (9.4%) would have a significant impact on the community and that a joined-up approach to spending needed to be in place to maximise the benefit.
- (h) That the people of the district had been waiting a long time for any progress in respect of the Regent Cinema.
- (i) That he hoped that the Levelling Up bid would be successful. He was not surprised that the previous bid had been unsuccessful. He emphasised the need to raise local wages.
- (j) To state that the Council needed to be directly involved with the food banks in the district as they were struggling to get donations at a time of rising need.
- (k) To express his concern that rural communities will suffer through the cutting of bus services and that vulnerable people could become isolated. He emphasised the need for the public to be kept informed on this issue.

In response the Leader of the Council advised:

- (a) That he hadn't been aware of the Multi-Cultural Day or he would have attended. He stated that he had enjoyed attending a previous Multi-Cultural Day.
- (b) That he would share the letters that he had written to agencies in support of efforts to keep Dover clear.
- (c) That he was waiting to hear further over the future of the Port Health facility at Whitfield.
- (d) That he also wanted to see something positive happen with the Regent Cinema site.
- (e) To emphasise that the Council had assembled an excellent case for the second round of Levelling Up bids.
- (f) That the Deputy Leader had met with the Food Banks and they had not advised him that they were struggling.
- (g) That he looked to the district's Kent County Councillors to take up the issue of bus services. He shared concerns that old people could become isolated through the withdrawal of bus services and pointed out that Staple had lost its bus service.

## 25 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes.

## 26 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 11, a question from Graham Wanstall was put to the Leader of the Council, Councillor T J Bartlett:

"It is incumbent upon me to thank you for your thoughtful co-operation on the following matters, firstly my request to fly the Ukrainian flag with the Union Jack at the Norwegian memorial garden in Dover. Secondly on my proposals to mark the Queen's Platinum Jubilee with the installation of the slab plaque in Pencester Gardens. A commemorative clock there would of been much better and useful for generations to come. An 18 inches square slab is not the same and is difficult to find and see. Sadly we are independently doing a second Jubilee slab in front of the Dover War memorial and I thank district member cllr Roger Walkden for his kind assistance with this project. There was an uproar recently when D.D.C. did not allow the fair to come to Pencester Gardens this caused a quick change of mind. We are informed that "D.D.C has a desire to upgrade Pencester Gardens in the future and this will not be consistent with using Pencester Gardens as a venue for fairs and similar activities." Therefore, will you now please give an undertaking that no decisions will be made on upgrading and preventing community events that have been enjoyed for generations without a full and proper public consultation?"

In response the Leader of the Council, Councillor T J Bartlett, stated

“Thank you for raising this with me.

I am keen to see improvements made to Pencester Gardens and welcome the work undertaken by the assets team over recent weeks to renovate the skate park.

Any plans to improve this green space, which is at the heart of our town centre, will always be compromised if we continue to allow vehicles to drive all over it and so it is difficult to see how events such as the fair can continue to use this site, although I would want to see community use of the space continuing but with better controls.

No decisions have been taken yet on how we can improve the gardens and I would agree with you that any such plans need to be the subject of a consultation process.”

A supplementary question was asked in accordance with Council Procedure Rule 11.8.

27 COMPLAINTS POLICY

The Democratic and Corporate Services Manager introduced the report on the Complaints Policy. Members were advised that the Council had already seen the document in respect of Executive functions.

It was moved by Councillor C A Vinson, duly seconded by Councillor D A Hawkes, and

RESOLVED: That Council adopts the Complaints Policy in respect of Council functions.

28 BROADCAST AND RECORDING OF MEETINGS

The Monitoring Officer and Solicitor to the Council introduced the report on the Broadcast and Recording of Meetings. Members were informed of the recommendations of the Governance Committee.

It was moved by Councillor C A Vinson and duly seconded by Councillor P D Jull

- (a) That the Constitutional amendments to enable the continued broadcasting of meetings and the use of the electronic voting system set out in Appendix 1 of this report be approved and incorporated into the Council's Constitution (Issue 24).
- (b) That the recordings of broadcast meetings be retained for a period of 30 days from the date of the meeting.
- (c) That the broadcast and recording of meetings be reviewed after six months of operation.

An AMENDMENT was moved by Councillor S H Beer, and duly seconded by Councillor P M Brivio

That trial period be extended for a further three months, until the full council meeting of October 2022, to allow members to fully familiarise themselves with the objectives, processes and risk management procedures in place for this initiative.

On being put to the meeting the AMENDMENT was LOST.

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

RESOLVED: (a) That the Constitutional amendments to enable the continued broadcasting of meetings and the use of the electronic voting system set out in Appendix 1 of this report be approved and incorporated into the Council's Constitution (Issue 24).

(b) That the recordings of broadcast meetings be retained for a period of 30 days from the date of the meeting.

(c) That the broadcast and recording of meetings be reviewed after six months of operation.

## 29 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 N J Collor asked the Portfolio Holder for Social Housing, Port Health, Skills and Education, Councillor D P Murphy:

"With the Council's most welcome initiative of starting to build new homes will the Portfolio Holder kindly advise what eco and other environmentally friendly features are being insisted upon?"

Councillor D P Murphy advised in his written response:

"All of the developments of new Council housing have, to date, exceeded the building regulations requirements in relation to conservation of fuel and power. Clearly, reducing the impact upon the environment is of great importance, however, alongside this it is also vital to ensure that the new homes address fuel poverty and are usable as homes by the residents, so this is also a priority. As a result, we do not apply the same single solution or set of requirements to all the Council's housing developments, and we take a flexible approach to ensure the best solution possible at each particular development. Air source heat pumps, PV panels, enhanced insulation and car charging points have all been provided to date, and it is our intention to keep pace with the technology to address the needs of the environment and our residents."

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (2) Councillor N J Collor asked the Portfolio Holder for Community and Corporate Property, Councillor O C de R Richardson:

"As the Portfolio Holder is aware central Dover only has one public toilet located in Stembrook Car Park. With plans gradually coming out about a

redevelopment of this entire area will the Portfolio Holder guarantee to me here and now that a public toilet facility will be included in any plans for the future and subsequent delivery of any development project?"

Councillor O C de R Richardson advised in his written response:

"Plans for the Stembrook site are still ongoing and in development; but I can guarantee that public toilet provision within Dover Town Centre is a recognised need; as well as that the Pencester Garden's / Stembrook area is an area of focus for public toilet delivery.

Please rest assured that as project proposals emerge – as is also the case with any potential town centre development - due consideration is been given to the recognised need for public toilets within the town centre, as well as the provision of strategic car parking.

Public Toilet options currently under consideration for the town include traditional approaches; as well as 'pay-to-pee' opportunities and the 'we'll pay you to let people use your toilet' schemes. Consideration of less traditional approaches to public toilet provision is related to our shared ambitions for designing out of crime, anti-social behaviour and vandalism."

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (3) Councillor H M Williams asked the Portfolio Holder for Social Housing, Port Health, Skills and Education, Councillor D P Murphy:

"Does Cllr Murphy share my concerns that the current contract with Porchlight, which provides invaluable support to those experiencing homelessness is not being renewed in the Autumn. Is he able to comment on any measures to replace that support?"

Councillor D P Murphy advised in his written response:

"On 31 December 2021, the KCC Cabinet Member for Adult Social Care & Public Health wrote to all District Council Leaders explaining that as a consequence of extraordinary pressures on KCC budgets the decision had been taken not to renew the current Kent Homeless Connect (KHC) contract from 1 October 2022. The £5,069,901 annual cost of the contract is currently met via the Adult Social Care budget and includes a contribution of £393,200 from the Public Health grant.

A Public consultation has taken place and concluded on 6 June after a six-week period of engagement. Over 220 consultation responses were received and 80 people attended in-person events. The respondents told KCC about the impact they expected if alternative arrangements could not be put in place, and this included an increase in homelessness and rough sleeping, an impact on the wellbeing and safety of people who experience homeless and rough sleeping and an increase in cost to the public sector including KCC Adult Social Care.

KCC has been working with District Councils and the current prime contractors to consider how the issues raised in the consultation could be mitigated. This work has included consideration of alternative

arrangements with its partners, its funding of a transition period for up to 18 months and the delivery of its duties under the Care Act, which will be influenced by the new Social Care Strategy.

The end of consultation report is due to be published shortly in advance of the Adult Social Care Cabinet Committee in July and KCC is considering providing funding for an 18-month period, drawn from its reserves, to ensure continued support for people who use the service.

A working model of the transition would see a phased move to new arrangements over three six-monthly stages. The model recognises the complexities of a change in arrangements in supported housing, allowing a longer time to achieve this. Dover District Council will continue throughout this period to work collaboratively with both KCC and Porchlight to support local residents and in particular the most vulnerable.

The estimated cost of this approach over an 18-month transition period would be £4,563k.

The consultation highlighted a potential increase in demand for KCC's own services and they have stated that they will exercise their duties to those who need an assessment under the Care Act and to consider how care and support needs can be met."

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (4) Councillor P M Brivio asked the Portfolio Holder for Community and Corporate Property, Councillor O C de R Richardson:

"Has the review on the siting of memorial benches in public parks taken place and if so, can he advise on what the new policy now is?"

Councillor O C de R Richardson advised in his written response:

"The review of memorials across the district, including memorial benches, is still on going because this is not a straightforward matter.

We need to balance the understandable wish on the part of family and friends to recognise and commemorate the lives of their loved ones with the availability of suitable locations to site more and more memorial benches and indeed the obligations on public bodies to address climate change.

We may need for example to question whether it is appropriate for us to encourage the continued provision of timber memorial benches at a time when there is emphasis on the planting of trees rather than the felling of them.

Once the review is complete any recommendations will be considered by members prior to the adoption of any new policy.

The present position is that there is no policy change simply a suspension of the service whilst alternatives are considered."

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (5) Councillor P M Brivio asked the Portfolio Holder for Community and Corporate Property, Councillor O C de R Richardson:

“Can the circumstances in which the recent visit by the Fun Fair in Pencester Gardens was able to take place. Previous advice given to councillors that due to a number of factors the visit would not be going ahead.”

Councillor O C de R Richardson advised in his written response:

“I am sure that all councillors will be aware that the original decision to cancel the annual Fun Fair in Pencester Gardens attracted wide public attention and led to an extensive campaign for the decision to be reversed.

In the face of the claims and counterclaims in respect of issues such as the value of the fair to the people of Dover, the impact on the trade of local businesses and the disruption to the lives of those living and working in the vicinity, I was pleased to agree to reverse the decision and allow the Fun Fair to take place as planned.”

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (6) Members were advised that Councillor S H Beer had withdrawn this question.
- (7) Councillor E A Biggs asked the Leader of the Council, Councillor T J Bartlett:

“Despite the cancellation of the Inland Border Facility by the Government citing that Freight traffic with Europe has declined by over 50%, can he explain why there has been dramatic increase in the implementation of Operation Tap for residents of Aycliffe?”

The question was answered by the Portfolio Holder for Transport, Licensing and Regulatory Services, Councillor M Bates, who advised in his written response:

“The IBF and the Traffic Access Protocol at Aycliffe are not directly related and have completely different functions.

TAP is activated to prevent gridlocking of the town of Dover and is implemented on request by the Port of Dover to National Highways.

Rather than reducing, freight volumes have continued to increase since the end of the pandemic. The operation of TAP ensures that Dover’s town centre is kept clear of traffic will continue to be required until a alternative holding facilities for freight vehicles can be established in Kent or indeed across the UK.

That said, I share your concern at the impact that this arrangement has on the residents of Aycliffe and we continue to lobby the powers that be to bring forward proposals to provide such facilities as indeed we lobby for a long

term solution to operation Brock and the widening of the A2 from Lydden to Dover.”

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

- (8) Councillor K Mills asked the Portfolio Holder for Planning and Environment, Councillor N S Kenton:

“Could the Council Leader advise Council and the District of the outcome of any conversations that have taken place with VEOLIA regarding the Companies contracts in Russia.”

Councillor N S Kenton advised in his written response:

“The joint waste contract we have is with Veolia Environmental Services UK and not related to the Russian or Ukrainian businesses.

Veolia have issued the following statement on the issue:

"Veolia UK is a business entity with no legal, financial or operational ties with Veolia’s Russian affiliate. Veolia UK maintains continuous dialogue with the UK authorities and public bodies to ensure its full compliance with all applicable sanctions.

Veolia Group provides absolutely no new funding for the operations of its affiliate in Russia and has stopped all new investment and all financial flows between the Veolia Group and its Russian subsidiary.

Veolia utterly condemns war and violence in Ukraine. In full compliance with the current sanctions regime, Veolia Group is maintaining its responsibility to its employees and the communities it serves by continuing its essential public service operations in both Ukraine and Russia.”

Officers have raised the issue with Veolia and are keeping this matter under review although options within the contract to take action are limited and would be very costly to implement.”

A supplementary question was asked in accordance with Council Procedure Rule 12.6.

### 30 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor O C de R Richardson, duly seconded by Councillor D P Murphy 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 1 of Part I of Schedule 12A of the Act.

### 31 APPOINTMENT OF INDEPENDENT PERSONS

The Monitoring Officer presented the report on the Appointment of Independent Persons to Members.

RESOLVED: That Janet Waghorn and Anthony Dixon be appointed as the Council's Independent persons for a term of 5 years and 1 day effective from 21 July 2022.

32 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 7.50 pm