

# Public Document Pack



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13 October 2023

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 18 October 2023 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

2 **MINUTES** (Pages 2 - 15)

To confirm the Minutes of the meeting held on 19 July 2023.

8 **CLIMATE AND ECOLOGY BILL** (Pages 16 - 27)

To consider the report of the Strategic Director (Place and Environment).

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", 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, 19 July 2023 at 6.00 pm.

Present:

Chairman: Councillor G Cowan

Councillors:

J S Back	N S Kenton	M P Porter
T J Bartlett	R M Knight	J L Pout
M Bates	J P Loffman	O C de R Richardson
S H Beer	S M S Mamjan	M W Rose
E A Biggs	S C Manion	C A Vinson
S B Blair	K Mills	H M Williams
P M Brivio	M W Moorhouse	L M Wright
D G Cronk	D P Murphy	C D Zosseder
D R Friend	M J Nee	
S Hill	D J Parks	

Officers:

- Chief Executive
- Strategic Director (Corporate and Regulatory)
- Strategic Director (Finance and Housing)
- Strategic Director (Place and Environment)
- Democratic and Corporate Services Manager
- Principal Planning Solicitor
- Democratic Services Officer
- Democratic Services Officer

17 **APOLOGIES**

Apologies for absence were received from Councillors D G Beaney, M F Hibbert and C F Woodgate.

Members were advised that Councillors M W Moorhouse and O C de R Richardson would be arriving late.

18 **MINUTES**

The Minutes of the meeting held on 17 May 2023 were approved as a correct record and signed by the Chairman.

19 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members.

20 **ANNOUNCEMENTS**

The Chairman of the Council announced the sad news of the death of former councillor Harry T Hubbard, who had represented the Lydden and Temple Ewell Ward for the Conservatives from 1979 – 1995.

Councillor Hubbard had served as Vice-Chairman of the Council in 1988 – 89. In his 16 years on the Council, he had served on numerous committees and had chaired the Leisure and Recreation Committee and the Tourism and Amenities Committees in the 1980s.

Councillors K Mills and G Cowan, who served on the council with Councillor Hubbard, and Councillor T J Bartlett shared their memories of him and spoke to his service on the Council and his local community.

## 21 LEADER'S TIME

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

- (a) To thank officers for their support since he was appointed Leader of the Council at the Annual Meeting of the Council.
- (b) To advise that he had attended both the Inspire and Triangle Awards and had been pleased at the good work that was being recognised. He was particularly pleased to see individuals that had turned their lives around as a result and emphasised the importance of young people for the future of the district.
- (c) To thank Kent County Council for supporting the impact roadshow, which had received very positive feedback.
- (d) To update Members on the progress of the Afghan Resettlement Programme. The district would be receiving its first families in August. The Council's delivery plan was recognised as best practice.
- (e) To welcome the successful performance of the out of hours service since returning in-house in July. There had been a 50% increase in the number of calls dealt with since returning in-house.
- (f) To congratulate the CCTV team on its work with partners to make residents in the district safer.
- (g) To advise that he had met with the Port of Dover and hoped that the Council could work with them on easing congestion.
- (h) To advise that discussions were on-going with the Government over the future location of the Port Health Authority role and to express his firm support for it being with Dover District Council rather than Ashford Borough Council.
- (i) To advise that he attended a Short Straits meeting.
- (j) That he had attended the Annual Meeting of Sandwich Town Council.
- (k) That he had met with the Leader of Kent County Council (KCC), Councillor Gough, and told him of Dover District Council's ambitions for the future. They discussed the impact of KCC's budget deficit on services and the Dover District and the proposed devolution bid. He emphasised

the importance of the system of devolution being the right one and that he had concerns over the proposed combined authority model.

- (l) That he had attended a public meeting that had been organised in respect of the closure proposals for the Richborough Household Waste site. He had reiterated Dover District Council's opposition to those proposals at the public meeting. He expressed disappointment that there were no conservative councillors at the public meeting. He expressed the view that the district needed to be united in its opposition to the proposals to close either of the Deal or Richborough Household Waste sites and called up the conservative group to support opposition to the closures.
- (m) That the Beacon Project needed to be delivered on time and on budget.
- (n) That he had met with other Kent Leaders and that the priority for all the districts was jobs and housing.

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

- (a) That he was pleased to hear that new Members were settling in well.
- (b) To express support for the Leader attending the Inspire and Impact events and the work being undertaken to support and inspire young people.
- (c) To welcome the news on the first families arriving under the Afghan Resettlement Programme.
- (d) To welcome the news over the performance of the out of hours service since returning in-house and to encourage Members to arrange a visit of the CCTV centre.
- (e) To express his support for the Port Health Authority function being with Dover District Council not Ashford Borough Council.
- (f) To similarly express his opposition to the proposals for the closure of one of the household waste sites in the district. He advised that he had attended a different public meeting on the Household Waste site at Richborough at which he had been assured that Kent County Councillor S S Chandler would be present. He had not been aware of any other public meeting.
- (g) To emphasise the importance of the police keeping junctions clear around Dover during the traditional 'getaway' period in July.
- (h) To enquire over the progress in relation to the Roman Painted House.
- (i) To advise of the royal visit to the Staple development that included 6 new affordable homes.
- (j) To express his interest in hearing the answers to later question on the new homes target and enforcement.

In response the Leader of the Council advised:

- (a) That he encouraged Members to arrange to see the work of the CCTV centre and welcomed the excellent work it undertook with the police on tackling crime.
- (b) That he had not received an invitation to the event that Councillor Chandler had been present at. He had only received an invitation to the public meeting he attended.
- (c) That he had written to the Kent Resilience Forum (KRF) on the importance of keeping the roads open but had received no response from them. He expressed concern that the KRF was only reactive and had no resilience. He stated that the lorries should be held at Sevington to keep the roads open.
- (d) That in respect of the Roman Painted House, that it was a vital heritage asset for the district and needed to be enhanced. There were questions that still needed to be resolved over its future.
- (e) To welcome the successful visit by the Princess Royal.

## 22 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes to seat allocations or group appointments.

## 23 QUESTIONS FROM THE PUBLIC

- (1) In the absence of the individual who had given the notice of their intent to ask the question, it was not put to the meeting.
- (2) In accordance with Council Procedure Rule 11, a question from Christine Oliver was put to the Leader of the Council, Councillor K Mills:

“Will DDC leaders support the Climate & Ecology Bill, introduced in the House of Commons on 10 May? It is a vital, new, cross-party proposal—drafted by world-leading scientists—to ensure that the UK plays its full role in tackling biodiversity loss and climate change.

There is a gap between what is currently being delivered—and what the Government needs to do to act in line with the latest science. The Climate and Ecology Bill, or CE Bill, would:

- 1) Provide a clear, joined-up plan—the crises in climate and nature are deeply intertwined, requiring a plan that considers both together. Reduce UK emissions in line with the Paris Agreement—ensuring that UK emissions are reduced rapidly, for the best chance of limiting warming to 1.5°C.
- 2) Halt and reverse the decline in nature—setting nature measurably on the path to recovery by 2030, as agreed at COP15.
- 3) Ensure that the UK takes responsibility for our overseas footprint—both emissions and ecological.
- 4) Involve the public—giving people a say in finding a fair way forward through a ‘climate and nature assembly’.

In response the Leader of the Council, K Mills, provided the following answer:

“Thank you for your question and for your interest in this vital issue.

The Council declared a Climate Emergency in early 2020 and has been developing since then it’s plans to respond to the challenge that this poses for us all.

As the new Leader of the Council, it is clear to me that we need to move the agenda forward across the Council with renewed vigour.

As a first step, we have recently advertised for a new Climate Change Officer with interviews due to take place in the next few days. This will strengthen our ability to look outward as well as within because, if we are to drive significant reductions in emissions, we need to take a proactive approach and start to influence the supply chain and encourage behaviour change across all our communities.

Adaptation is key as the changes we need to make will impact on all our services as we seek to embed new ways of working across the Council.

As regards the Climate and Ecology Bill, as a private members bill it seems unlikely that this will progress through parliament. However, I support the ambition of those promoting the Bill including Olivia Blake MP, the Labour member for Sheffield Hallam.”

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

(3) In accordance with Council Procedure Rule 11, a question from Sarah Waite-Gleave was put to the Leader of the Council, Councillor K Mills:

“Will the new DDC leadership heed the call of Dover district’s many climate concerned citizens, to replace the closeted Climate Change PAG with a more publicly accountable working group involving representatives from all parties represented on the district’s town councils, and community and civil society representatives, in order to take the urgently needed large-scale actions on the conjoined cost-of-living, climate and nature crises, so that, in partnership, the net zero target for the whole district may be brought forward from 2050 to 2035?”

In response the Leader of the Council, K Mills, provided the following answer:

“Thank you for your question.

As you will know, the decision to remove representation from the Green Party on the Climate Change PAG was one made by the previous Conservative Cabinet.

Our new Cabinet recognises the importance of consulting local people properly before decisions are made and, while ultimately the final decision will be for Cabinet, I am not opposed to the principle of having a new non-district council member on the Climate Change PAG.

However, I do not believe simply reinstating the original arrangements is the solution either. Instead, I will be looking to review the role and membership of the Climate Change PAG to ensure that it is able to respond to the challenge posted to the Dover District by Climate Change. As part of this I would be open to considering the appointment of a representative from a suitably representative community group if one could be found.”

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

(4) This question was withdrawn at the request of the individual who had given notice of their intention to ask the question at the meeting.

(5) In accordance with Council Procedure Rule 11, a question from Graham Wanstall was put to the Leader of the Council, Councillor K Mills:

“There have been various examples over recent years of residents experiencing problems parking in their own roads. DDC policy is to only allow parking zones which prevents some individual roads solving their problems if residents in nearby roads cause the problems. This situation is not due to restrictive law but DDC policy.

As Leader will you initiate a review of this policy with a view to allowing flexibility thus solving problems for individual roads which having only zones does not resolve?”

In response the Leader of the Council, K Mills, provided the following answer:

“May I thank the kind gentlemen for his question. I will be asking our Parking and Transport Services team to review all of our relevant parking policies during our administration to ensure they are providing the best service to our residents and visitors to Dover and the wider district.

We will then review the outcomes and determine and implement where appropriate any necessary changes which are required following the appropriate means.”

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

(6) In accordance with Council Procedure Rule 11, a question from David White of the Deal Society was put to the Leader of the Council, Councillor K Mills:

“The Deal Society note the potential sale of the South Street car park as part of the proposed redevelopment of The Regent.

We would like there to be discussion as to the benefits of such a sale versus the loss of public amenity, that being the car parking spaces, public toilets and bus waiting room.

We would not want such a loss of that amenity to occur through private discussions - we feel that councillors should have the chance to debate that issue in public and without the constraints of that discussion being related to a specific planning application.

We therefore ask that such a discussion takes place as soon as possible.”

In response the Leader of the Council, K Mills, provided the following answer:

“The Council has been in regular contact with the owners of the Regent site for many years, as we have been keen to encourage them to move forward with their plans for the site.

We have agreed that it would be worth exploring whether including the car parking area behind the Regent, would be beneficial from a town planning point of view.

However, any formal decision would be a matter for Cabinet to consider at a future date as owner of the land. This would be entirely separate to the consideration of any issues relating to the planning application.

The timing of such a decision will of course depend on whether the developer is seeking to progress with the draft plans which have been the subject of the recent public consultation.”

The Chairman refused the questioner’s supplementary question as it was not directly arising from the question or the answer given.

(7) In accordance with Council Procedure Rule 11, a question from Charis Muir was put to the Leader of the Council, Councillor K Mills:

“There are a number of sites within the district where land is unlawfully occupied by travellers in breach of either planning regulations or Enforcement Notices. Given that in their local plan DDC have now identified sufficient land for travellers it is disappointing to note that such sites continue to be occupied unlawfully. Could you please tell me what action you and your Cabinet are now going to take to enforce the removal of the travellers from such sites?”

In response the Leader of the Council, K Mills, provided the following answer:

“The Local Plan is yet to be adopted and we will await the Inspectors’ decision in respect of the Council’s submitted position on site sufficiency for Gypsies and Travellers within the district.

Nevertheless, the decision to take formal action in respect of any unlawfully occupied sites will be considered bearing in mind the facts and material planning considerations relating to each site and formal action is only taken in the wider public interest.

Whilst all planning enforcement investigations are confidential, the procedures in respect of enforcement action are set out in the Council’s Planning Enforcement Plan: [Planning Enforcement Plan \(dover.gov.uk\)](http://dover.gov.uk).”

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

(It was proposed by Cllr K Mills, duly seconded and



RESOLVED: That Council Procedure Rule 11.4 be suspended to permit the time allocated for public questions to exceed the allocated time of 15 minutes from the commencement of the first question.)

24 UPDATE TO CORPORATE COMPLAINTS POLICY

The Strategic Director (Corporate and Regulatory) presented the report on the Update to the Corporate Complaints Policy.

Members were advised that when the Complaints Policy was revised in July 2022 it was highlighted that the removal of the third stage in the complaints process then in force for housing complaints was due to be removed by provisions in The Building Safety Act 2022 that had not yet come into force. Those provisions had subsequently come into effect.

The report also sought to make an additional change to bring the policy into line with the Housing Ombudsman's recommended practice for written acknowledgements of housing complaints.

It was moved by Councillor S H Beer, duly seconded by Councillor C D Zoseder, and

RESOLVED: That the amended Complaints Policy be adopted in respect of Council functions.

25 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 M Bates asked the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

"The Examination for National Highways' Lower Thames Crossing Development Consent Order (DCO) application commenced on 20th June 2023. KCC have been requested to provide a corporate response during the examination process and stakeholders were requested to provide their contributions by 16th June. Can the Portfolio Holder for Transport confirm that, as part of this process, DDC have forwarded a request to KCC that they emphasise within their submission that the significant impact to the volume of traffic which will use the M2/A2 corridor must be considered and that improvements to the current road network to the Port of Dover must therefore be included within the RIS3 programme?"

In response Councillor J L Pout stated:

"I believe Cllr Bates knows we have made a representation to KCC as he signed off on this pre-election when he was the portfolio holder for transport.

Yes, KCC has been provided with Dover District Council's 'relevant representation' response, which was submitted in February 2023 and emphasised these matters. KCC has confirmed the points raised will continue

to be included in their submissions.”

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

- (2) Councillor M Bates asked the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

Following the receipt of £45 million pound in levelling up funding we have received very little in the way of concrete information as to how this funding is to be used in order to improve the flow of traffic into and out of the Port of Dover. Given that the summer rush is almost upon us can the Portfolio Holder for Transport please provide an update as to how discussions are proceeding with KCC and Dover Harbour Board concerning the provision of new port infrastructure and whether any timescales have been produced as to when this work will be completed?

In response Councillor J L Pout stated:

Thank you for your excellent question, it’s just a shame that Cllr Mills beat you to it by first asking this very same question during his opposition time at Full council in January 2023.

The then leader, Cllr Bartlett, invited KCC to give a presentation, and in March 2023 reiterated his commitment to have KCC give more information. It’s disappointing that this never happened as you would have already had your answer.

As you have noted, the government announced in January the award of £45m from the Levelling up Fund for an upgrade to border facilities at the Port.

The bid was submitted by Kent County Council, working with the Port of Dover, and is intended to enable the provision of new infrastructure, as an enhancement to the existing Port Access Infrastructure, to support new customs controls on goods moving between the UK and the EU and new passport controls on the drivers of the HGVs carrying those goods and tourist passengers.

Once complete the changes will maximise the flow of existing traffic through the Port and remove potential bottlenecks created by new and imminent EU border controls.

The key features of the project are as follows:

- 1) A change in the sequence of border controls, so that the UK outbound controls will precede the French inbound controls.
- 2) A change in the sequence of outbound controls so that HGVs will check-in with their ferry operator before proceeding to the UK and French border controls.
- 3) An increase in pre-check in plaza capacity, that will increase the area of the Port’s Buffer Zone by 1.4km of equivalent traffic volume. This has the potential to take queueing traffic off the road and reduce the number of Traffic

Access Protocol (TAP) and Brock instances on the A20 and M20 outside of Dover.

4) A doubling in the number of border control points (5 to 10), to absorb the increase in the time taken to examine the passports of HGV and tourist drivers and thus enable the rate of traffic flow to be maintained.

5) A new dock exit route, for the removal from the Port of HGVs which either are not border-ready or which are rejected at the border control checkpoint.

The Council fully supports the aims of the project and welcomes the proposed investment in Port infrastructure.

It is therefore very frustrating that that six months after the original announcement the government has yet to confirm the allocation of funding to the project.

This lack of action on the part of the government is clearly delaying the implementation of the plans, which I am sure is a concern to us all.

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

- (3) Councillor M Bates asked the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

“Last year we received the devastating news from KCC that Stagecoach and other bus companies intended to cut a number of unviable commercial services. Amongst these were a number of school bus routes within the District which, following representations from DDC and other interested parties, were reprieved until July this year. We are still awaiting a further announcement from KCC as to whether these services will be reprieved. Can the Portfolio Holder for Transport confirm that he has made representations with his opposite number in KCC requesting that this reprieve be continued for the following school year?”

In response Councillor J L Pout stated:

“The decision taken by the Tory-led KCC to cut funding from bus services was shortsighted particularly at a time when we should be encouraging greater use of public transport, which is why I ran a petition which received 1500 signatures causing both KCC and the DJTAB to discuss.

I’ve recently made contact with Cllr Brazier who told me that *“The bus industry is deregulated, which means that if operators decide, for whatever reason, they do not wish to continue a service, they can simply withdraw it.”*

If school children have an entitlement to travel, Cllr Brazier assures me KCC will get them to school.

I can confirm that I will continue to fight for the retention of bus services across the District and will be making representations to KCC and working with partners on the Quality Bus Partnership to ensure that all services are protected, not just those on school bus routes.”

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

- (4) Councillor C A Vinson asked the Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder:

“On which date was the current portfolio holder briefed by the relevant head of service and internal audit team on the findings of the recent proactive audit of car parking and enforcement?”

In response Councillor C D Zosseder stated:

“Thank you Councillor Vinson. I can confirm that I was briefed on the findings of the Parking and Enforcement Audit that was conducted in March 2023, with the final audit report issued 28th April 23 at my first portfolio holder meeting on Thursday 25th May. The Leader and deputy Leader have also been updated on this. I am also informed that my predecessor to the role was also briefed on the audit findings before the May elections.

I would like to add that I and my fellow cabinet members are pleased to see already the vast improvements being made to the service, the vision and future direction of which I am being updated on regularly and I am confident future audits will be much more positive going forward.”

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

- (5) Councillor D R Friend asked the Portfolio Holder for Housing, Skills and Education, Councillor P M Brivio:

“Will the portfolio holder confirm that 200 “environmentally friendly council homes” will be built by the Council this year (i.e. in 23/24)?”

In response Councillor P M Brivio stated:

“No. This administration has pledged to build environmentally friendly new homes at a rate of 200 per annum over the life of the administration. But we inherited a much lower annual rate of build than this and so we need to improve it.

We plan to deliver a programme of 800 new homes by the end of the administration, thus achieving the average of 200 per annum, even if we have to make up for a shortfall at the start.”

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

- (6) Councillor T J Bartlett asked the Leader of the Council, Councillor K Mills:

“Will the leader confirm whether the Council has a commercial agreement in place with the developers of the former Regent cinema in Deal, in relation to

the Council's landholdings adjacent to the site (including South Street car park, public toilets and former bus waiting room) which are included within the plans recently consulted on ahead of applying for planning permission to redevelop the site?"

In response Councillor K Mills stated:

"Thank you, Cllr Bartlett. As you will be aware, the Council has been in regular contact with the owners of the Regent site for many years, and indeed I understand that they have met with yourself when you were Leader of the Council.

I can confirm that there is no commercial agreement in place with the developers of the former Regent cinema in Deal, in relation to the Council's landholdings adjacent to the site."

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

- (7) Councillor O C de R Richardson asked the Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder:  
"Will the portfolio holder provide an update on current staffing levels within the parks and open spaces team?"

In response Councillor C D Zosseder stated:

"I am pleased to say that we have made significant progress over recent weeks with our recruitment and the team are now fully staffed, which is the first time the Council has been in this position for several years."

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

- (8) Councillor C A Vinson asked the Portfolio Holder for Finance, Governance, Climate Change and Environment, Councillor S H Beer:

"What assessment has the portfolio holder made of the future reduction in the Council's greenhouse gas emissions that may be possible as a result of the renewal of our energy procurement arrangements through LASER (Notice of Decision Taken Between Meetings DPH02 23, 4th July 2023) which includes contracting with Total Energies for gas supply alongside provision of Renewable Gas Guarantee of Origin (REGO) certificates?"

In response Councillor S H Beer stated:

"It was recognised early this year, that there was an opportunity to secure the supply of energy from sustainable sources ahead of expiry of the current contract at the end of September 2024. The mechanisms that provide reassurance are the Renewable Energy Guarantee of Origin (REGO) and the Renewable Gas Guarantee of Origin (RGGO) schemes, both of which produce certificates for the end user. REGO certified electricity has been purchased since September 2020 when the Council first contracted with LASER and again at this renewal at an additional cost of approximately £18.5k.

Green gas generation is not as advanced or as available as electricity hence costs are high. The opportunity to purchase RGGO certified gas was considered in September 2020 and again at this renewal. However, the additional cost of opting-in to a RGGO backed tariff (an additional cost of £60,000 per annum) was considered too expensive on both occasions.”

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

## 26 MOTIONS

In accordance with Council Procedure Rule 13, Councillor C A Vinson moved the following Motion:

In accordance with Council Procedure Rule 13, Councillor will move:

This Council notes that:

- Openness is one of the 7 Nolan Principles of public life, which states that information should not be withheld from the public unless there are clear and lawful reasons for doing so.
- The Accounts and Audits Regulations 2015 require the Council to maintain an adequate and effective system of internal audit.
- The Council’s Constitution requires the Governance Committee to receive internal audit reports, approve the audit programme and ensure the internal audit service is sufficiently resourced. It also requires the Committee to agree and periodically review the Terms of Reference for the internal audit function.
- At present, Portfolio Holders and Shadow Portfolio Holders are not always involved in the internal audit process and completed reports on Council services and functions are not consistently shared with them once finalised.

As such, this Council believes that:

- The East Kent Audit Partnership is an excellent example of how cross-authority shared services arrangements can work well for the benefit of the Council, its Members, Officers and the public they serve.
- In line with the Nolan principle of openness, internal audit reports should be routinely shared with the relevant portfolio holder and shadow portfolio upon completion

And agrees that:

- The Council’s Financial Procedure Rules, as set out in the Constitution, should be amended to replace the current clause 4.5 with the following (new wording shown in bold):

“A four-year Strategic Plan will be prepared by the Head of Audit Partnership, which will be approved by the Governance Committee. A one-year Operational Plan will be prepared each year from the Strategic Plan. The Head of Audit Partnership will share a final report on each element of

the Plan, and any follow up reports on actions identified, with the relevant Heads of Service, Portfolio Holder(s) and Shadow Portfolio Holder(s) as they are completed. The Head of Audit Partnership will report the work performed against the Plan to the Governance Committee on a quarterly basis.”

It was duly seconded by Councillor N S Kenton.

Councillor S H Beer advised that she could not support the Motion and pointed out that the reports of the East Kent Audit Partnership were already included in summarised form on the agendas of the Governance Committee which were accessible to Members, the public and other stakeholders. Additionally, the Head of the Audit Partnership had unfettered access to all Members, including the Chair of Governance, and also to the Chief Executive, Strategic Directors and external auditors. Portfolio Holders were briefed on audits relating to their areas of responsibility.

Councillor J L Pout stated that he also opposed the Motion as it was in his view unnecessary.

Councillor C A Vinson summed up his Motion.

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

27 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 7.40 pm

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<b>Subject:</b>	<b>CLIMATE &amp; ECOLOGY BILL</b>
<b>Meeting and Date:</b>	<b>COUNCIL – 18 OCTOBER 2023</b>
<b>Report of:</b>	<b>Roger Walton, Strategic Director (Place &amp; Environment)</b>
<b>Portfolio Holder:</b>	<b>Cllr Beer (Portfolio Holder for Finance, Governance, Climate Change &amp; Environment)</b>
<b>Decision Type:</b>	<b>Non-Executive Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To advise Council of the proposals contained within the draft CE Bill and seek Council agreement to support the proposals.
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<b>Recommendation:</b>	That Council formally record their support for the Climate & Ecology Bill.
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**1. Summary**

- 1.1 The Climate & Ecology Bill (CE Bill) is a Private Members Bill, currently under discussion by Parliament. The Bill, if approved, would require the United Kingdom to achieve climate and nature targets; to give the Secretary of State a duty to implement a strategy to achieve those targets; to establish a Climate and Nature Assembly to advise the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change and the Joint Nature Conservation Committee regarding the strategy and targets; and for connected purposes.
- 1.2 This report asks Council to confirm their support for the Bill and the objectives contained therein.

**2. Introduction and Background**

- 2.1 The CE Bill was originally introduced into Parliament in July 2021 by Caroline Lucas, Green Party MP For Brighton Pavilion. Having not progressed due to lack of parliamentary time the Bill was reintroduced into Parliament in May 2023 by Olivia Blake, Labour MP for Sheffield Hallam. The Bill is now co-sponsored by a cross-party group of MPs and has the backing of MPs and Peers from all parties.
- 2.2 The Bill received the first reading on 10 May 2023 and is due for a second reading on 24 November 2023.
- 2.3 The Climate and Ecology (CE) Bill is a plan for a new UK law that addresses the full extent of the climate and nature crisis in line with the most up-to-date science. The Bill is the only proposed legislation currently before the UK Parliament that ensures a comprehensive and joined-up approach to the emergency and acknowledges the full extent of the UK's emissions and ecological footprint as well as its responsibility to ensure that it prevents and reverses damaging impacts, globally, so that the least developed nations still have the chance to develop sustainably.
- 2.4 Parliament has yet to publish the text of the 2023 Bill, but it is understood to be broadly similar to the 2021 version, which is attached at Appendix 1. A detailed outline of the proposals can be found at: <https://cieem.net/the-climate-and-ecology-bill-reintroduced-to-parliament-on-10th-may-by-jane-king-nathalie-pettorelli/>



### 3. **Identification of Options**

#### 3.1 Options considered are:

1. To confirm Council support for the Climate & Ecology Bill
2. To decline to support the Climate & Ecology Bill.

### 4. **Evaluation of Options**

4.1 Whilst current legislation contains a target to halt and reverse this decline of nature by 2030, there are cross party concerns that the absence of any concrete plan to do this means that the state of nature is on course to worsen, not restore, which risks pushing ecosystems beyond danger points from which they may not be able to recover.

4.2 The Climate & Ecology Bill seeks to create a joined-up strategy to cut emissions in line with the 1.5°C target, while halting and reversing nature loss by 2030. Christine Oliver put the issue before this Council at the Council meeting in July 2023 in posing her question to the Leader: "Will DDC leaders support the Climate & Ecology Bill, introduced in the House of Commons on 10 May?"

4.3 It is therefore recommended that Council formally record their support for the Climate & Ecology Bill.

### 5. **Resource Implications**

5.1 None

### 6. **Climate Change and Environmental Implications**

6.1 The proposal to formally record the Council's support for the Climate & Ecology Bill is a clear statement of the Council's concerns regarding the impact of climate change and the commitment to net zero targets.

### 7. **Corporate Implications**

7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted on the report and have no further comments to add (SK)

7.2 Comment from the Solicitor to the Council: 'The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.' (HR)

7.3 Comment from the Equalities Officer: 'This report seeking Council agreement to support the proposals of the Climate & Ecology Bill, does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>' (KM)

### 8. **Appendices**

Appendix 1. Draft CE Bill as presented to Parliament.

### 9. **Background Papers**

None

Contact Officer: Roger Walton

# Climate and Ecology Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Require the United Kingdom to achieve climate and nature targets; to give the Secretary of State a duty to implement a strategy to achieve those targets; to establish a Climate and Nature Assembly to advise the Secretary of State in creating that strategy; to give duties to the Committee on Climate Change and the Joint Nature Conservation Committee regarding the strategy and targets; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Duty of the Secretary of State: climate and nature targets

- (1) The Secretary of State must achieve the objectives in subsection (2) (‘the objectives’).
- (2) The objectives are to ensure that the United Kingdom—
  - (a) reduces its overall contribution to global greenhouse gas emissions (‘emissions’) at a rate consistent with—
    - (i) limiting the global mean temperature increase to 1.5 degrees Celsius compared to pre-industrial levels; and
    - (ii) fulfilling its obligations under the UNFCCC and the Paris Agreement, taking into account the United Kingdom’s and other countries’ —
      - (A) historical emissions;
      - (B) common but differentiated responsibilities; and
      - (C) respective capabilities, considering national circumstances;
  - (b) halts and reverses its overall contribution to the degradation and loss of nature in the United Kingdom and overseas, thereby —
    - (i) increasing the health, abundance, diversity and resilience of species, populations, habitats and ecosystems so that by 2030 nature is visibly and measurably on the path of recovery, and—
    - (ii) fulfilling its obligations under the UNCBD and its protocols, following the commitments set out in the Leaders’ Pledge for

Nature, taking into account the United Kingdom’s and other countries’ –

- (A) historical contributions to the degradation of nature;
- (B) common but differentiated responsibilities; and
- (C) respective capabilities, considering national circumstances;

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(‘the nature target’).

- (3) The duty applies to matters of devolved legislative competency subject to section 5.

## 2 Duty of the Secretary of State: climate and nature strategy

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- (1) The Secretary of State must, within twelve months of the passing of this Act, publish and lay before Parliament a strategy (‘the strategy’) to achieve the objectives specified in section 1.

- (2) The strategy must include annual interim targets consistent with the achievement of the objectives and the Secretary of State must take all reasonable steps to meet those annual interim targets.

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- (3) The strategy must include measures that, in the opinion of the Secretary of State, and subject to sections 3 and 4, will achieve the objectives specified in section 1 by –

- (a) reducing greenhouse gas emissions from sources caused by human activity as far and as rapidly as possible;

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- (b) ensuring that the UK’s emissions are calculated on the basis of UK consumption and include international aviation and passenger shipping;

- (c) ensuring that steps taken to mitigate emissions minimise, as far as possible, damage to ecosystems, food and water availability, and human health;

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- (d) ensuring that steps taken to increase the health, abundance, diversity and resilience of species, populations and ecosystems follow the mitigation and conservation hierarchy, with avoidance of the loss of nature prioritised;

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- (e) restoring and expanding natural ecosystems, and enhancing the management of cultivated ecosystems to protect and enhance biodiversity, ecological processes and ecosystem service provision, including climate change mitigation;

35

- (f) including measures to protect, restore and enhance ecosystems in the United Kingdom (and elsewhere, when activity generated from within the United Kingdom is harmful to such ecosystems);

- (g) ending the exploration, extraction, export and import of fossil fuels by the United Kingdom as rapidly as possible; and

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- (h) taking every possible step to avoid, limit – and where limiting is not possible – compensate for the adverse impacts of United Kingdom-generated cycles of consumption, trade, financing and production on ecosystems and human health; including, but not limited

to, the extraction of raw materials, deforestation, land degradation, pollution and waste production.

- (4) The measures in the strategy must—
- (a) be projected to have a net positive impact on—
    - (i) local communities, including those with a high deprivation rating according to Government deprivation indices; 5
    - (ii) young people; and
    - (iii) people with protected characteristics under section 4 of the Equality Act 2010; and
  - (b) include sufficient financial support and retraining for people whose livelihoods and jobs will be affected by the proposed measures, including those measures that require transitioning out of industries characterised by high emissions and high impacts on ecosystems. 10
- (5) The strategy may include measures in areas of devolved legislative competency subject to section 5. 15

### 3 Public involvement

- (1) The Secretary of State must, within two months of the passing of this Act, procure by open tender an expert independent body to establish a Climate and Nature Assembly ('the Assembly') comprising a representative sample of the United Kingdom population. 20
- (2) The body appointed pursuant to subsection (1) must secure the establishment of the Assembly within three months.
- (3) The Assembly must consider expert advice and then recommend measures to be included in the strategy.
- (4) Where a recommendation has been approved by— 25
- (a) at least 66% of members of the Assembly, the Committee on Climate Change (CCC) or Joint Nature Conservation Committee (JNCC) must try to reach agreement with the Assembly on a proposal to include that recommendation in the strategy;
  - (b) at least 80% of the Assembly, the CCC or JNCC must agree to propose the inclusion of that recommendation in the strategy unless in their opinion there are exceptional and compelling reasons, which must be stated, not to. 30
- (5) If a recommendation is supported by at least 80% of the Assembly, and by the CCC or the JNCC, the Secretary of State must consider and try to reach agreement with those bodies on the inclusion of that recommendation in the strategy. 35

### 4 Duties of the Committee on Climate Change and the Joint Nature Conservation Committee

- (1) The CCC and the JNCC must— 40

- (a) evaluate, monitor and report annually on the implementation of the strategy and on the achievement of the interim targets; and
- (b) undertake the duties referred to in sections 3 and 6.
- (2) The CCC must recommend annual carbon budgets for the United Kingdom, Scotland, Wales and Northern Ireland with a view to the requirements of section 2 being met. 5
- 5 Approval by devolved legislatures**
- (1) The targets in section 1 apply to matters of devolved legislative competency if the condition in subsection (2) is met.
- (2) That condition is – 10
- (a) in relation to Scotland, that the Scottish Parliament has passed a motion of the form “That the Parliament agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”;
- (b) in relation to Wales, that Senedd Cymru has passed a motion of the form “That Senedd Cymru agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”; 15
- (c) in relation to Northern Ireland, that the Northern Ireland Assembly has passed a motion of the form “That this Assembly agrees to the climate and nature targets in section 1 of the Climate and Ecology Act 2021”. 20
- (3) The strategy under subsection 2 may include measures in areas of devolved legislative competency if the condition in section (4) is met.
- (4) That condition is –
- (a) in relation to matters within the legislative competency of the Scottish Parliament, that the Scottish Parliament has passed a motion of the form “That the Parliament agrees to the measures in the climate and nature strategy”; 25
- (b) in relation to matters within the legislative competency of Senedd Cymru, that Senedd Cymru has passed a motion of the form “That Senedd Cymru agrees to the agrees to the measures in the climate and nature strategy; 30
- (c) in relation to the Northern Ireland Assembly, that the Northern Ireland Assembly has passed a motion of the form “That this Assembly agrees to the agrees to the measures in the climate and nature strategy”.
- 6 Acceptance and implementation of the strategy, or any revisions made thereto** 35
- (1) The Secretary of State must –
- (a) lay the strategy before the House of Commons; and
- (b) move a motion in the House of Commons of the form in subsection (2) for agreement or amendment by that House.
- (2) The form of the motion is “That this House approves the Climate and Nature Strategy, laid before this House on [date], without amendment.” 40

- (3) The Secretary of State must implement the strategy, including—
- (a) any amendments made to the strategy made by resolution of the House of Commons by amending the Motion in subsection (2);
  - (b) any revisions made under subsection (5).
- (4) The Secretary of State must report annually to Parliament on the implementation of the strategy or any revisions thereto; and progress towards achieving the objectives and interim targets under sections 1 and 2. 5
- (5) If at any time, based on up-to-date scientific evidence, in the opinion of the Secretary of State, or the CCC, or the JNCC, or the House of Commons (by motion stated), the measures in the strategy or the interim targets are unlikely to achieve the objectives, the Secretary of State must revise the strategy and in such case the provisions of subsections (3) and (4) shall apply. 10

## 7 Financial provisions

*There is to be paid out of money provided by Parliament—*

- (a) *any expenditure incurred under or by virtue of this Act; and* 15
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

## 8 Interpretation

In this Act—

- “limiting the global mean temperature increase to 1.5 degrees Celsius” means with a 66% or greater probability of limiting peak warming to 1.5 degrees Celsius according to the Intergovernmental Panel on Climate Change report, Global Warming of 1.5°C, published on 8 October 2018 or else, the most ambitious 1.5 degrees Celsius pathway available if and when the 66% or greater probability of limiting peak warming to 1.5 degrees Celsius, according to future Intergovernmental Panel on Climate Change (IPCC) reports, is superseded; 20
- “UNFCCC” is the United Nations Framework Convention on Climate Change which entered into force on 21 March 1994;
- “Paris Agreement” is the agreement of the UNFCCC which entered into force on 4 November 2016; 30
- “nature” includes—
- (a) the abundance, diversity and distribution of animal, plant, fungal and microbial life and its risk of extinction;
  - (b) the extent and condition of habitats; and 35
  - (c) the health and integrity of ecosystems;
- “ecosystems” includes both natural and managed ecosystems and the air, soils, water and abundance and diversity of organisms of which they are comprised;
- “UNCBD and its protocols” is the United Nations Convention on Biological Diversity, which entered into force on 29 December 1993, and all subsequent agreements and protocols (if any) arising from it; 40



“Leaders’ Pledge for Nature” is the agreement of the UN Summit on Biodiversity of 28 September 2020;

“calculated on the basis of UK consumption” means all UK territorial emissions except those generated in the production of goods and services exported from the UK; all consumption emissions generated abroad in the production and distribution of goods and services imported to the UK; all emissions generated from UK passenger transportation demands related to both personal and commercial passenger travel outside of UK territory, including international aviation, passenger shipping;

“mitigation and conservation hierarchy” refers to resolution 58 of the World Conservation Congress, hosted by the International Union for Conservation of Nature from 1 to 10 September 2016.

## **9 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland, and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Climate and Ecology Act 2021.



# Climate and Ecology Bill

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*Presented by Caroline Lucas  
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Ed Davey, Liz Saville Roberts, Claire Hanna,  
Stephen Farry, Clive Lewis, Alex Sobel,  
Brendan O'Hara, Sarah Olney and Ben Lake.*

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