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20 May 2024

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 22 May 2024 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 12)

To confirm the Minutes of the meeting held on 6 March 2024.

14 **ANNUAL REPORT OF OVERVIEW AND SCRUTINY**

ADDENDUM – The table at paragraph 3.3 has two corrections as follows:

a) The text in paragraph 3.3 should change the date from 2022/23 to 2023/24 as follows: "During the municipal year **2023/24** a number of recommendations have been made by the Overview and Scrutiny Committee to Cabinet and Council, and a summary of the outcomes is shown below:"

b) The second table at paragraph 3.3 should have a percentage sign where the dollar sign.

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, 6 March 2024 at 6.00 pm.

Present:

Chairman: Councillor G Cowan

Councillors:

| | | |
|--------------|---------------|---------------------|
| T J Bartlett | N S Kenton | M P Porter |
| M Bates | R M Knight | J L Pout |
| D G Beaney | 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 | C F Woodgate |
| D R Friend | M J Nee | L M Wright |
| S Hill | D J Parks | C D Zosseder |

Officers:

- Chief Executive
- Strategic Director (Corporate and Regulatory)
- Strategic Director (Finance and Housing)
- Strategic Director (Place and Environment)
- Solicitor to the Council and Monitoring Officer
- Head of Finance and Investment
- Strategic Accountant (Revenue)
- Accountant (Housing)
- Head of Corporate Services and Democracy
- Democratic Services Officer
- Democratic Services Officer

61 **APOLOGIES**

Apologies for absence were received from Councillors J S Back, D G Cronk, M F Hibbert and D P Murphy.

62 **MINUTES**

The Minutes of the meeting held on 31 January 2024 were approved as a correct record and signed by the Chairman.

63 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members.

64 **ANNOUNCEMENTS**

There were no announcements.

65 **LEADER'S TIME**

The Leader of the Council advised that members of the Cabinet would provide updates in respect of the following matters as part of his report:

Councillor P M Brivio discussed the work underway in Poulton Close to prepare the site for the construction of new temporary accommodation units. This was part of the work to increase the Council's housing stock.

Councillor C D Zosseder raised the following matters:

- To praise the on-going restoration works at Maison Dieu.
- To update Members on the progress of Kearsney Abbey Café and its progress on becoming a wedding venue. There had also been a defibrillator installed at the Café.
- The out-of-hours service had received no complaints about accessing the service or the service itself since being moved in-house in July.

Councillor E A Biggs raised the following matters:

- To inform Members that the containerisation of green waste was on target with 500 new subscribers added.
- That preparations were underway for a highspeed road clean.
- That the Beacon Project was progressing well,
- That the Local Plan had only required 2 amendments following its examination and it was progressing on target.

Councillor S H Beer informed Members that despite challenges the overall message on the Council's finances was positive and that no cuts to services had been required in the budget.

Councillor J L Pout raised the following matters:

- The launch of the Great British Spring Clean in March and how it brought people together.
- To praise the Reach Awards which actively recognised those who were seeking to improve the environment.
- That he was liaising with Stagecoach on reinvigorating the Quality Bus Partnership.
- That Fasttrack had been pushed back as there was a need to make sure everything was in place for its launch. It was expected to launch in Summer 2024.
- That he had written a letter to the Secretary of State for Transport about the impact on Dover of traffic when Operation TAP or BROCK were in effect and the potential impact of the European Entry-Exit System (EES). He would be meeting with the Kent Resilience Forum (KRF) to find out about their plans for dealing with these matters, particularly with the prospect of 14-hour delays at the Port of Dover due to the introduction of the EES.

Councillor K Mills raised concerns over the impact of EES on the town of Dover, the wider district, Kent and the UK. He stressed that Dover would be the only town that would be gridlocked as a result of this which would impact on schools, shops, businesses and local residents. He had a meeting with local businesses coming up.

The Leader of the Opposition Group included the following matters in his report:

- (a) To emphasise the importance of the budget meeting and to point out that the Council had always had a balanced budget in the past.

- (b) That the letter on Port Health concerns had been sent to the wrong minister and that his Group could have assisted with this.
- (c) To ask if the Leader had met with the Department for Environment, Food and Rural Affairs (DEFRA).
- (d) To raise concerns over the cancellation of meetings with Shadow Cabinet Members.
- (e) That he had been inundated by local residents complaining about the Garden Waste scheme.
- (f) That local residents had not responded well to the new car parking charges.
- (g) To enquire if the Leader had taken enforcement action against landlords who were not maintaining their properties.
- (h) To support the Great British Spring Clean and praise those residents who regularly undertook litter picking.
- (i) That the Planning Committee needed to make sound decisions in respect of the Betteshanger applications.
- (j) To point out that climate change was not on the list of functions of chief officers.
- (k) To ask how many houses had been built by the Council since May 2023.
- (l) To congratulate Places Leisure on the 5th Anniversary of their being at the Dover District Leisure Centre.
- (m) To offer assistance to the Leader in respect of the EES.
- (n) To welcome the installation of defibrillators in Kearsney.

In response the Leader of the Council advised:

- (a) To advise the Leader of the Opposition that he was welcome to drop in and see him to discuss matters.
- (b) To advise that DEFRA has offered to meet with the Council, which he was not aware had been offered before.
- (c) That the letter had been sent to the correct minister in respect of Port Health.
- (d) That the Council was a Member led organisation and that the shadow cabinet members were welcomed to meet with Cabinet Members in respect of matters.
- (e) That the garden waste decision was a decision taken by the opposition when in power and had already been agreed when he became the Leader.
- (f) That Chief Officer responsibilities would be updated at the meeting that evening.
- (g) To welcome the offer to work together in respect of EES.
- (h) That the Betteshanger applications would be determined on planning grounds by the members of the Planning Committee.

66 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes made to seat allocation and group appointments.

67 QUESTIONS FROM MEMBERS

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

QUESTION 1 RAISED BY COUNCILLOR M BATES UNDER COUNCIL PROCEDURE RULE 12:

“Is the Portfolio Holder for Transport, Licensing and Environmental Services aware that HGV commercial vehicles are still causing disturbance and damage in the Aycliffe Estate when seeking to use the lorry park at South Military Rd. Our local MP has addressed the matter to the senior highways manager for KCC and the Cabinet Member for Highways and Transport and could he provide details of the representations he has made to KCC to have this situation resolved.”

REPLY BY THE PORTFOLIO HOLDER FOR TRANSPORT, LICENSING AND ENVIRONMENTAL SERVICES, COUNCILLOR J L POUT:

“In respect of your question, having raised this with the Community Services Manager whose remit of responsibility include both the Community Safety and Resilience Team and the Parking and Transport Team, I can confirm that neither of these teams have received any complaints on this matter for many months. If you are in receipt of recent complaints, can I request that you ensure that officers are provided with them or encourage the reporters of these matters to report them direct to the council, so that the officers can help take whatever action is feasible to prevent any nuisance to local residents.

In the meantime we will continue to press the Highways Authority to look to reposition the Dover TAP further back up the A20, to prevent the nuisance caused by stationary lorries and the ancillary noise effecting the local residents in Aycliffe.”

There was no supplementary question asked.

QUESTION 2 RAISED BY COUNCILLOR D R FRIEND UNDER COUNCIL PROCEDURE RULE 12:

“Could the Leader of the Council provide an update on what action he has taken regarding planning enforcement activity related to the unlawful occupation of land south of Summerfield House in Woodnesborough, following the commitments he made in his response to a question from a member of the public at the Council meeting on 19th July 2023.”

REPLY BY THE LEADER OF THE COUNCIL, COUNCILLOR K MILLS:

“Officers are continuing to work on this matter and are considering the Council’s position. At this stage no further update can be provided as this is a live planning enforcement matter.”

There was no supplementary question asked.

QUESTION 3 RAISED BY COUNCILLOR C A VINSON UNDER COUNCIL PROCEDURE RULE 12:

“Could the Leader of the Council confirm how many service-by-service reviews have been completed since the cancellation of the Council’s transformation programme in 2023?”

REPLY BY THE LEADER OF THE COUNCIL, COUNCILLOR K MILLS:

“All Heads of Services undertook service reviews as part of the budget setting process for 24/25. Many identified savings and efficiencies which will be given effect during the next financial year.

In addition to this, we are currently working on a more structured programme of service reviews, with a request to be made for a Continuous Improvement Officer through the Council’s Authority to Recruit Group in the coming weeks.

The new officer will assist Heads of service with identifying best practice and appropriate bench marking data to drive productivity and ensure a consistent approach to service reviews across the Council. The programme of reviews in conjunction with the training plans and Digital and ICT investment will be the cornerstone of organisational development going forward.”

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

QUESTION 4 RAISED BY COUNCILLOR O C de R RICHARDSON UNDER COUNCIL PROCEDURE RULE 12:

“Could the Portfolio Holder for Community and Corporate Property provide an update on progress with the delivery of plans for the rebuilding of Tides Leisure Centre in Deal?”

REPLY BY THE PORTFOLIO HOLDER FOR COMMUNITY AND CORPORATE PROPERTY, COUNCILLOR C D ZOSEDER:

“Following Cabinet’s meeting on 3 November 2023, the Council has been working with Atkins Realis to update & re-assess the financial modelling for the replacement of Tides Leisure Centre; this element of work is complete and there remains a substantial deficient in funding the reduced replacement proposal. In parallel, other facility mix options are being re-examined and explored in more detail in line with Member recommendations.

Work is progressing for example, survey investigation is ongoing to inform the option for extending the life of the building. The mechanical & electrical survey report is recently complete and now under review by officers. However, the structural survey requires more time; it involves enabling works, specialist access equipment to safely the access high levels of the superstructure which cannot be conducted when public have access to the pool or surrounding areas.

When complete officers will review and assess the overall financial implications of extending the life of the building. Officers have also engaged with potential delivery partners to explore alternative ways of financing and delivering the project, findings from this will be presented to Members when all areas of work are closed out and a holistic picture can be presented to inform the recommended direction of travel. It is anticipated that a full and detailed report will follow to Members in early Summer 2024.”

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

68 REDISTRIBUTION OF FUNCTIONS AMONGST CHIEF OFFICERS

The Strategic Director (Corporate and Regulatory) presented the report on the Redistribution of Functions Amongst Chief Officers.

Members were advised that the Governance Committee had made the following recommendation:

“That it be recommended to Council that ‘climate change’ be included in the list of functions of the Strategic Director (Place & Environment), and that the proposed changes to Article 12 and the Scheme of Officer Delegations be approved and be incorporated into the Council’s Constitution version 25a.”

It was moved by Councillor S H Beer, duly seconded by Councillor H M Williams, and

- RESOLVED:
- (a) That the re-distribution of functions between the Chief Officers who form the Council’s Corporate Management Team be approved as per the report subject to ‘climate change’ being included in the list of functions of the Strategic Director (Place & Environment).
 - (b) That subject to the agreement of 1 above, Council approves resultant changes to Article 12 and the Scheme of Officer Delegations (Council Functions) as outlined in the appendix to the report.

69 MEMBERS' ALLOWANCES SCHEME 2024-25

The Members’ Allowances Scheme 2024-25 was presented to Members for their consideration.

It was moved by Councillor C A Vinson and duly seconded by Councillor N S Kenton

“That the Members’ Allowances Scheme for 2024-25 be made as set out in Appendix 1 of the report subject to the allowances being index linked to the staff pay award on an on-going basis.”

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

The Leader of the Council stated that he didn’t necessarily disagree with the principle but suggested that it should be explored further by a cross-party working group.

It was moved by Councillor K Mills, duly seconded by Councillor J L Pout and

- RESOLVED: (a) That the Members’ Allowances Scheme for 2024-25 be made at the levels set out in Option 1 (as per Appendix 1) of the report.

- (b) That officers report to a future meeting on proposals for a cross-party working group to look at the issue of index-linking members allowances.

70 PAY POLICY STATEMENT 2024-25

The Strategic Director (Corporate and Regulatory) presented the Pay Policy Statement 2024-25.

It was moved by Councillor K Mills, duly seconded by Councillor T J Bartlett, and

RESOLVED: That the Pay Policy Statement 2024-25 as set out at Appendix 1 to the report be approved prior to publication on the Council's website.

71 SECTION 25 REPORT

The s151 Officer presented the Section 25 report to Members.

Members were advised that the Local Government Act 2003 (Section 25) required that the s151 Officer reported to Members on the robustness of the estimates made for the purposes of the budget calculations and the precept for the Council's council tax and the adequacy of the proposed financial reserves, so that Members could have regard to them when considering the annual budget and precept.

It was the opinion of the s151 officer that the Council's budget had been prepared on a rigorous and robust basis and the Council's reserves were sufficient for its immediate needs. However, it was also the opinion of the s151 officer that there were two significant factors that could undermine the budget over the next year or two because of the actions of the Department for Environment Food and Rural Affairs (DEFRA) and the Department for Levelling Up, Housing and Communities (DLUHC). Accordingly, the Council faced the choice of either maintaining border controls to protect UK farming and the food chain, at the Council's own expense or effectively follow the logic of DEFRA's withdrawal of Dover Port Health Authority (PHA) funding and cease the limited controls at the border and expose the UK to the high risk of African Swine Fever and other Products of Animal Origin (POAO) risks.

If the Council continued at its own expense, it risked massively depleting its reserves, and greatly increasing the risk of the chief finance officer being required to make a report pursuant to s.114 of the Local Government Finance Act 1988 in 2025/26.

Members considered the report and discussed the potential impact on the Council's resources.

It was moved by Councillor K Mills, duly seconded by Councillor S H Beer, and

RESOLVED: That the report be received and taken into consideration when approving the Council Budget 2024/25 and Medium-Term Financial Plan 2024/25-2027/28 (MTFP).

COUNCIL BUDGET 2024/25, MEDIUM-TERM FINANCIAL PLAN 2024/25–2027/28 AND 2024/25 COUNCIL TAX SETTING

The Head of Finance and Investment presented the Council Budget 2024/25, Medium-Term Financial Plan 2024/25–2027/28 and 2024/25 Council Tax Setting.

It was moved by Councillor S H Beer, and duly seconded by Councillor J P Loffman

- (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 MTFP be approved.
- (b) That the Strategic Director (Finance and Housing), in consultation with the Portfolio Holder for Finance, Governance, Climate Change and Environment, be authorised to draw on the Earmarked Smoothing Reserve to meet in-year variations in the budget.
- (c) That a Council Tax increase of 2.98% for DDC purposes be approved, resulting in an increase on Band D properties of £6.21 per year and an annual DDC Council Tax of £214.38.
- (d) To note that it was the opinion of the Section 151 Officer that the Council's budget had been prepared on a rigorous and robust basis and the Council's reserves were sufficient for its immediate needs. However, it was also the opinion of the Section 151 Officer that there were two significant factors that could undermine the budget over the next year or two because of the actions of the Department for Environment Food and Rural Affairs (DEFRA) and the Department for Levelling Up, Housing and Communities (DLUHC). Members were referred to the Section 25 Report included separately on the agenda for further information.
- (e) That the various Council recommendations at the end of the sections within the attached budget and MTFP, and summarised in Annex 10 to Appendix 1, be approved.

Councillor C A Vinson, duly seconded by Councillor M Bates, moved an AMENDMENT as followed:

“The first bullet point in the recommendation from Cabinet to Council, beginning “That the General Fund Revenue Budget...”, be amended with the addition of the following text to the end of the sentence ‘...subject to the removal of the £2.8m transfer from DDC earmarked reserves to the Port Health service in 2024/25 indicated in Annex 1, replacing it with a £2.8m transfer to the Tides Replacement project in Annex 6A, and a corresponding reduction in the 24/25 Port Health Authority budget in Annex 3B.”

On being put to the meeting the AMENDMENT was LOST.

A recorded vote was held in accordance with Council Procedure Rule 18.6 (Voting on Budget Decisions).

| FOR (11) | AGAINST (16) | ABSTAIN (1) |
|-----------------|---------------------|--------------------|
| T J Bartlett | S H Beer | M W Moorhouse |
| M Bates | E A Biggs | |

| FOR (11) | AGAINST (16) | ABSTAIN (1) |
|---------------------|---------------------|--------------------|
| D G Beaney | S B Blair | |
| D R Friend | P M Brivio | |
| N S Kenton | G Cowan | |
| R M Knight | S Hill | |
| S C Manion | J P Loffman | |
| M P Porter | S M S Mamjan | |
| O C de R Richardson | K Mills | |
| M W Rose | M J Nee | |
| C A Vinson | D J Parks | |
| | J L Pout | |
| | H M Williams | |
| | C F Woodgate | |
| | L M Wright | |
| | C D Zosseder | |

In the absence of any further AMENDMENT, the original Motion was put to the meeting and

- 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 MTFP be approved.
- (b) That the Strategic Director (Finance and Housing), in consultation with the Portfolio Holder for Finance, Governance, Climate Change and Environment, be authorised to draw on the Earmarked Smoothing Reserve to meet in-year variations in the budget.
- (c) That a Council Tax increase of 2.98% for DDC purposes be approved, resulting in an increase on Band D properties of £6.21 per year and an annual DDC Council Tax of £214.38.
- (d) To note that it was the opinion of the Section 151 Officer that the Council's budget had been prepared on a rigorous and robust basis and the Council's reserves were sufficient for its immediate needs. However, it was also the opinion of the

Section 151 Officer that there were two significant factors that could undermine the budget over the next year or two because of the actions of the Department for Environment Food and Rural Affairs (DEFRA) and the Department for Levelling Up, Housing and Communities (DLUHC). Members were referred to the Section 25 Report included separately on the agenda for further information.

- (e) That the various Council recommendations at the end of the sections within the attached budget and MTFP, and summarised in Annex 10 to Appendix 1, be approved.

A recorded vote was held in accordance with Council Procedure Rule 18.6 (Voting on Budget Decisions).

| FOR (16) | AGAINST (11) | ABSTAIN (1) |
|-----------------|---------------------|--------------------|
| S H Beer | T J Bartlett | M W Moorhouse |
| E A Biggs | M Bates | |
| S B Blair | D G Beaney | |
| P M Brivio | D R Friend | |
| G Cowan | N S Kenton | |
| S Hill | R M Knight | |
| J P Loffman | S C Manion | |
| S M S Mamjan | M P Porter | |
| K Mills | O C de R Richardson | |
| M J Nee | M W Rose | |
| D J Parks | C A Vinson | |
| J L Pout | | |
| H M Williams | | |
| C F Woodgate | | |
| L M Wright | | |
| C D Zosseder | | |

There were no items of urgent business for consideration.

The meeting ended at 8.06 pm