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11 October 2024

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 16 October 2024 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

2 **MINUTES** (Pages 2 - 9)

To confirm the Minutes of the meeting held on 17 July 2024.

Yours sincerely

A handwritten signature in black ink, appearing to read "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, 17 July 2024 at 6.00 pm.

Present:

Chairman: Councillor G Cowan

Councillors:

J S Back	D G Cronk	M J Nee
T J Bartlett	D R Friend	D J Parks
M Bates	S Hill	M P Porter
D G Beaney	N S Kenton	J L Pout
S H Beer	R M Knight	C A Vinson
E A Biggs	J P Loffman	H M Williams
S B Blair	S M S Mamjan	C F Woodgate
P M Brivio	D P Murphy	L M Wright

Officers: Strategic Director (Corporate and Regulatory)
Strategic Director (Finance and Housing)
Strategic Director (Place and Environment)
Head of Licensing and Legal Services
Environmental Protection and Crime Manager
Head of Corporate Services and Democracy
Democratic Services Officer
Democratic Services Officer

16 **APOLOGIES**

Apologies for absence were received from Councillors M F Hibbert, S C Manion, K Mills, M W Moorhouse, O C de R Richardson and C D Zosseder.

17 **MINUTES**

The Minutes of the meeting held on 22 May 2024 were approved as a correct record and signed by the Chairman.

18 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members.

19 **ANNOUNCEMENTS**

The Chairman made the following announcements:

- (a) To thank everyone involved in preparing for and staffing the UK Parliamentary General Election, held on 4 July 2024, for all of their hard work.
- (b) To advise the Council of the sad news of the death of his predecessor as Chairman of the Council, former Councillor M D Conolly.

Councillor M D Conolly had represented the Little Stour and Ashstone Ward (Conservative) following being elected in a by-election in 2008 until his retirement from office in 2023. He had been Chairman of the Council between 2019 to 2023 and had presided over the start of the first meeting of the current council term in his capacity as the retiring Chairman. Prior to that he had served as a member of the Cabinet from 2011 to 2019 and was Deputy Leader of the Council from 2015 to 2019.

Members spoke warmly to their memories of his service on the Council, his commitment to his community and his character. Members offered their condolences to his family.

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

20 LEADER'S TIME

In the absence of the Leader of the Council, the Deputy Leader Councillor J L Pout, advised that members of the Cabinet would provide updates in respect of matters within their portfolios as part of his report:

Councillor P M Brivio raised the following points:

- To welcome the purchase of 48 new-build properties at a site called Wingfield Place, off Freeman's Way, Deal.
- To advise that the council was tendering for a new maintenance contract for its housing stock.

Councillor S B Blair raised the following points:

- That the financial outturns had been completed.
- To highlight elements of the Review of the Constitution to be considered later in the agenda.
- To draw Members' attention to the audits in the Governance Committee agenda in June 2024.
- To congratulate all officers, and particularly staff in Electoral Services and Democratic Services, on a successfully run UK Parliamentary General Election.

Councillor E A Biggs raised the following points:

- To advise that the council had 9611 subscribers to the garden waste scheme following the introduction of containerisation. This was only slightly down on the previous number of 9690 subscribers.
- To update Members on changes to the emerging Local Plan.
- To highlight the importance of the Green Infrastructure Strategy.
- To confirm that the Beacon Project had received planning approval.
- To advise of a recent walkaround with Planning Enforcement.
- To congratulate building control officers on successfully achieving their new qualifications.

Councillor J L Pout raised the following points:

- To congratulate Mike Tapp on his election as the Member of Parliament for the Dover and Deal Constituency and Roger Gale on his election as the

Member of Parliament for the Herva Bay and Sandwich Constituency at the UK Parliamentary General Elections held on 4 July 2024.

- That works on Maison Dieu were progressing well and that it was expected to open in Spring 2025.
- That the Roman Painted House was expected to open this summer.
- That a report on proposals for Tides would be going to Cabinet in July 2024.
- That the Council had purchased a number of properties as part of its commitment to expand its housing stock.
- That Environmental Services were conducting school visits to raise awareness with children.
- That the Roads Minister would be visiting Dover the following day in respect of the proposed European Entry and Exit System introduction.
- That he was working with Stagecoach on community outreach.
- That the Chairman would be attending the Reach Awards at the weekend.
- That DEFRA was engaging with the Council in respect of Port Health services.

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

- To also congratulate Mike Tapp on his election as the Member of Parliament for the Dover and Deal Constituency and Roger Gale on his election as the Member of Parliament for the Herva Bay and Sandwich Constituency at the UK Parliamentary General Elections held on 4 July 2024.
- To welcome the news of the recent walkabout with enforcement as this was something that he had done as Leader. He expressed the view that there was still work to be done.
- That following the meeting with planning enforcement held at Kearsney Café he still felt that there was a lot of work to be done to resolve outstanding cases.
- To question why there were delays with the Dover Fasttrack project and in particular to ask if the traffic lights had been ordered and whether the electric buses were ready.
- To enquire whether the Deputy Leader had achieved any progress in reinstating bus routes.
- To welcome the recent discussion at Overview and Scrutiny Committee on preparations for the summer getaway. However, he questioned whether there were sufficient preparations in place to provide reassurance to local people.
- To welcome the Bench Street project getting planning permission.
- To question if the Labour Group would be able to achieve their manifesto pledge to build 200 houses per year.
- To thank everyone involved in delivering the recent UK Parliamentary General Election.
- To welcome the news that Tides would be discussed at a special Cabinet meeting in July 2024.
- To question whether the recycling rates in the district had decreased.
- To ask for the current green waste scheme to be reviewed as people living in narrow lanes had not been able to access it.

In response the Deputy Leader of the Council advised:

- That he would check on the recycling rate numbers.
- That, while accepting that processes needed to be followed properly, that he understood the seriousness of the issues around planning enforcement.
- That Stagecoach and Kent County Council were responsible for the matters that the Leader of the Opposition had raised in respect of Fasttrack.
- That their manifesto commitment had been to campaign for the reinstatement of bus routes as this was a matter for Stagecoach and Kent County Council and not one the Council could do itself. He wanted Stagecoach and stakeholders to engage on the matter.
- That the Council would deliver on the commitment to deliver 200 houses. If an offer from a developer was cheaper than the Council building the houses themselves then he would accept it.
- That the Inspector was looking at the final comments in respect of the Local Plan and that he expected it would be adopted.

21 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes.

22 QUESTIONS FROM THE PUBLIC

QUESTION 1

RAISED BY GEMMA THORBURN, A MEMBER OF THE PUBLIC, UNDER COUNCIL PROCEDURE RULE 11:

“A freedom of Information Request recently informed us that no equality policy exists for the approval of planning permission. It also informed us that out of 771 new homes that were given planning permission in Deal and Walmer since January 2021 just 2 were fully accessible.

To give some context the statistics gathered from the Housing Needs Survey show that 31% of all households include and person with disabilities, 46% of these are in unsuitable homes (that's 15% of all households or more allowing for those who didn't reply). Dover District Council maintains that they push for accessible properties on developments where possible but is this realistic without any solid policy, what action will you take to ensure equality is upheld in this district and how dose this match up to the emerging local plan's proposal to make just 5% on new housing projects of over 20 houses, fully accessible (m4(3) standard)?

RESPONSE FROM THE DEPUTY LEADER OF THE COUNCIL, COUNCILLOR J L POUT:

“The new Local Plan, which is expected to be adopted later this year, does include policies to deliver accessible homes in new development in the District. The policies have been developed taking account of national planning policy and evidence of local need.

Policy PM2 of the new Local Plan requires all new dwellings to be built to 'Accessible and Adaptable' dwellings standard (Building Regulations Part M4 (2)). This standard requires features including having a living area at entrance level and step-free access to all entrance level rooms and facilities, wider doorways and corridors as well as clear access routes to reach windows. It also includes further features to make homes more easily adaptable over time for a wide range of

occupants, including older people, those with reduced mobility and some wheelchair users.

Policy PM2 also requires that on schemes of 20 dwellings or more, 5% be 'Wheelchair user dwellings standard (Building Regulations M4 (3)). This standard requires the new dwelling provides reasonable provisions for a wheelchair user to live in the dwelling and the ability to use any private outdoor space, parking and communal facilities.

The 5% requirement is based upon the evidence of need from the Council's housing waiting list. Planning policy must be developed having regard to national policy and guidance, and in relation to this matter it only allows local policy to require 'wheelchair user dwellings' where the local authority is responsible for allocating or nominating a person to live in that dwelling. Local Planning policy cannot require wheelchair user dwellings to be provided in private market housing.

The 20-dwelling threshold is therefore the minimum size of development able to deliver 1 home to M4(3) standard. This is based upon the socially rented affordable housing policy requirement set out in policy SP5.

In relation to the stated figure of only 2 homes out of 771 being fully accessible homes in permissions granted since 2021. These planning applications would have been determined taking account of the adopted policy at the time, which does not include any requirements to provide 'wheelchair user dwellings'.

The new Policy in the emerging Local Plan will enable the delivery of accessible dwellings in new development to meet local needs, based upon the evidence and taking account of the constraints of national policy.

Dover District Council is committed to delivering homes to meet the needs of local people and are providing accessible homes within our own developments."

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

23 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 J P LOFFMAN UNDER COUNCIL PROCEDURE RULE 12:

"As recipients of significant public funding, local authorities should ensure that both they, and their contractors/suppliers demonstrate responsible tax conduct. Could the Portfolio Holder for Finance, Governance, Climate Change & Environment explain what we are doing to ensure we are fulfilling our responsibility in this regard?"

REPLY BY THE PORTFOLIO HOLDER FOR FINANCE, GOVERNANCE CLIMATE CHANGE AND ENVIRONMENT, COUNCILLOR S B BLAIR:

“The Council currently operates in a way which seeks to ensure that all tax arrangements are complied with and in accordance with the current laws. The Council already has many features in place which ensure both probity and integrity and represents best practice, including the appropriate taxation arrangements for staff, collection of council tax/business rates as well as liaising with HMRC where applicable to ensure that our VAT arrangements in place are properly administered. We will commit to continue to demonstrate good practice in our tax conduct across our activities.

In respect of our Contractors and Suppliers – we currently include proportionate checks in respect of company structures, controlling interests etc. and specific self-declarations in respect of companies meeting their obligations for the payment of taxes etc. We will continue to undertake due diligence, where appropriate and feasible, on our key suppliers and contractors to confirm that they have met all their obligations for the payment of taxes in the UK.

The Council will also look in the future to raise awareness to suppliers and contractors of the Fair Tax Mark accreditation (an independent accreditation awarded by the Fair Tax Foundation in respect of responsible tax conduct), in addition to joining in and supporting Fair Tax Week through our social media posts and articles.”

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

24 ADOPTION OF AIR QUALITY ACTION PLAN 2024-2028

The Strategic Director (Corporate and Regulatory) presented the report on the Adoption of Air Quality Action Plan 2024 – 28.

It was moved by Councillor J L Pout, duly seconded by Councillor P M Brivio, and

RESOLVED: That the adoption of the Air Quality Action Plan 2024-2028 in line with statutory obligations under the Environment Act 1995 be approved.

25 REVISED COMPLAINTS POLICY

The Head of Corporate Services and Democracy presented the Revised Complaints Policy.

It was moved by Councillor S B Blair, duly seconded by Councillor S H Beer, and

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

26 DELIVERY OF AGENDAS TO COUNCIL MEMBERS

The Head of Corporate Services and Democracy presented the report on the Delivery of Agendas to Council Members.

It was moved by Councillor S H Beer, duly seconded by Councillor S B Blair, and

RESOLVED: That the Constitution be amended as follows:

- (a) That Council Procedure Rule 6 be amended as follows: “The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her to every member of the Council. All Members serving on a body will receive an electronic copy of the summons and agenda unless they have requested a paper copy which will be made available for collection from the Council Offices. All Members will receive an electronic notification by e-mail. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

This rule shall be interpreted subject to the provisions of paragraph 4 of Schedule 12 to the Local Government Act 1972.

- (b) That the Leader and Executive Procedure Rules be amended to insert a new paragraph 1.6(c) as follows: “The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her to every member of the Council. All Members serving on a body will receive an electronic copy of the summons and agenda unless they have requested a paper copy which will be made available for collection from the Council Offices. All Members will receive an electronic notification by e-mail. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.
- (c) That on the recommendation of the Licensing Committee, that Council Procedure Rule 6 be amended to include reference to the Licensing Committee and Licensing Sub-Committees.

27 REVIEW OF THE CONSTITUTION 2024

The Head of Corporate Services and Democracy presented the Review of the Constitution 2024.

Members were advised that the East Kent Joint Independent Remuneration Panel had reviewed the proposed changes to the Members’ Allowances Scheme.

It was moved by Councillor S H Beer, duly seconded by Councillor J L Pout, and

RESOLVED: That the proposed changes in the Review of the Constitution 2024, as set out in Appendix 1, and specifically those changes relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 26.

28 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J L Pout, duly seconded by Councillor P M Brivio, 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 and 2 of Part I of Schedule 12A of the Act.

29 INVESTIGATING AND DISCIPLINARY COMMITTEE

Members considered the report on the formation of an Investigating and Disciplinary Committee:

- RESOLVED: (a) That a politically balanced Investigating and Disciplinary Committee be appointed (in accordance with s.101(1)(a) and 102(1)(a) of the Local Government Act 1972) consisting of three members, one of whom must be an Executive member.
- (b) That authority be delegated to the Investigating and Disciplinary Committee to take decisions in relation to the complaint and any investigation and/or disciplinary action (including taking decisions relating to management of the process and any interim measures) which may be required.
- (c) That authority be delegated to the Deputy Monitoring Officer to determine the procedure to be used by the Investigating and Disciplinary Committee.

30 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 7.28 pm