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25 November 2013

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 27 November 2013 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

3 **MINUTES** (Pages 2 - 11)

To confirm the attached Minutes of the meeting held on 18 September 2013 and the Minutes of the Extraordinary meeting held on 25 September 2013.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a horizontal line. The signature is fluid and cursive.

Chief Executive

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 18 September 2013 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	R J Frost	M J Ovenden
B W Bano	B Gardner	A S Pollitt
T J Bartlett	J H Goodwin	J A Rook
T A Bond	D Hannent	M A Russell
P M Brivio	P J Hawkins	F J W Scales
B W Butcher	P G Heath	A R Smith
P I Carter	G J Hood	C J Smith
S S Chandler	L A Keen	J M Smith
N J Collor	N S Kenton	R J Thompson
M D Conolly	P S Le Chevalier	P Walker
G Cowan	G Lymer	P M Wallace
J A Cronk	K Mills	
M R Eddy	K E Morris	

Officers: Chief Executive
 Director of Environment and Corporate Assets
 Director of Finance, Housing and Community
 Director of Governance
 Democratic Services Manager
 Team Leader – Democratic Support

208 **APOLOGIES**

Apologies for absence were received from Councillors P M Beresford, S J Jones, S M Le Chevalier, S C Manion, J F Tranter, R S Walkden and P A Watkins.

209 **DECLARATIONS OF INTEREST**

Councillor M D Conolly declared a Disclosable Pecuniary Interest in Minute No. 215(b) by reason of his being a shareholder and pension fund member of a national supermarket chain and withdraw from the meeting for the consideration of that item.

Although she was not declaring a Disclosable Pecuniary Interest or an Other Significant Interest, Councillor J A Rook advised that, in the interests of transparency she felt there was a perception that she could have an interest in Minute No. 215(b) and would withdraw from the meeting for the consideration of that item.

210 **MINUTES**

The Minutes of the meetings held on 24 July 2013 were approved as a correct record and signed by the Chairman.

211 **ANNOUNCEMENTS**

The Chairman of the Council made the following announcements:

- (a) That Planning training would be held on 27 September 2013 and all members of the Council were encouraged to attend.
- (b) That an Extraordinary Council meeting would be held on 25 September 2013 to consider the transfer of the Housing Revenue Account balance.
- (c) The deaths of former District Councillors Margaret Keyser who represented the old Pineham Ward from 1989 – 1991 and Gordon Henson who represented the wards of Lower Walmer (1999 – 2003) and Walmer (2003-2005).

The Chairman called upon the members of the Council to stand in silence for a minute as a mark of respect.

212 LEADER'S TIME

The Deputy Leader of the Council, Councillor S S Chandler, included the following matters in her report:

- (a) The work of the Council in respect of the Troubled Families initiative.
- (b) The work of the events team in facilitating community events, some of which utilised Council owned land.
- (c) Capital investment in Council housing and improvements in maintenance response times.

The Deputy Leader then called upon members of the Cabinet to report on the following matters:

- (d) Councillor N J Collor reported on the Council's licensing activities including taxi, gambling and the implementation of the new scrap metal dealers licensing regime.
- (e) Councillor N S Kenton reported on the progress made by the Council's waste collection service in improving the level of recycling.

The Leader of the Opposition Group, Councillor M R Eddy, included the following matters in his report:

- (a) Problems with councillors obtaining information from the planning department and the existence of a red status performance indicator relating to planning activity since 2009.
- (b) The short term nature of the Troubled Families initiative and the need for longer term solutions.
- (c) A recent meeting with the leader of Thanet District Council.
- (d) The 11 June 2013 letter to Councillor P G Heath in respect of Deal Hospital.

The Deputy Leader of the Council responded to points raised by the Leader of the Opposition Group in her report as follows:

- (a) That the recent restructuring of the planning department will take time to show improvements in performance indicators due to the need to clear the backlog of work.
- (b) That Home Start was looking at the issue of long term support and intervention in respect of Troubled Families.
- (c) The need for Children's Centres to spend a proportion of their budget on doing outreach work to enable people in the districts villages to have access to services.

213 SEAT ALLOCATION AND GROUP APPOINTMENTS

Councillor M R Eddy advised that Councillor P M Brivio had been appointed to replace Councillor P J Hawkins on the Planning Committee.

RESOLVED: That the appointment of Councillor P M Brivio to replace Councillor P J Hawkins on the Planning Committee be noted.

214 VARIATION TO THE ORDER OF BUSINESS

It was moved by Councillor S R Nicholas, and duly seconded that in accordance with Council Procedure Rule 14(c) the order of business in the agenda be varied.

RESOLVED: That the order of business be varied to take agenda item 8 (Motions) as the next item of business and vary the order of the motions to take Motion (3) as set out in the agenda first.

215 MOTIONS

- (1) Councillor M R Eddy gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following motion:

"This Council is concerned by the prospect of fracking and related drilling activity in the Dover District area and requests that a report is brought forward to the next meeting of this Council to inform the Council of the nature of the process, the potential impact on subsurface water resources and geological formations, the type and scale of the surface structures, and the impact of anti-fracking demonstrations in the light of recent experience in Sussex on the local communities and on the police."

Councillor S S Chandler moved, and it was duly seconded, that in accordance with Council Procedure Rule 13.5 the matter be referred to Scrutiny (Community and Regeneration) Committee without debate as the appropriate body for dealing with this matter.

(Councillor M D Conolly declared a Disclosable Pecuniary Interest by reason of his being a shareholder and pension fund member of a national

supermarket chain and withdrew from the meeting for the consideration of the item.)

(Although she was not declaring a Disclosable Pecuniary Interest or an Other Significant Interest, Councillor J A Rook advised that, in the interests of transparency she felt there was a perception that she could have an interest in the matter and withdrew from the meeting for the consideration of the item.)

- (2) Councillor P M Wallace gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following motion:

"This Council resolves to submit the following proposal to Government under the provisions of the Sustainable Communities Act: that the Secretary of State for Communities and Local Government gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable value of not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local economic activity, local services and facilities, social and community well-being and environmental protection. This Council further resolves to work together with Local Works to gain support for the proposal from other councils."

Councillor B W Bano moved, and it was duly seconded, that in accordance with Council Procedure Rule 13.5 the matter be referred to Cabinet as the appropriate body for dealing with this matter.

On being put to the vote it was CARRIED.

RESOLVED: That the motion be referred to Cabinet.

- (3) Councillor L A Keen gave notice under Rule 13 of the Council Procedure Rules of her intention to move the following motion:

"This Council resolves to request that the Secretary of State for Communities and Local Government considers proposals to help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished."

The motion was duly seconded and on being put to the vote it was CARRIED.

RESOLVED: That the Council request that the Secretary of State for Communities and Local Government considers proposals to help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to

betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.

216 QUESTIONS FROM MEMBERS

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

- (1) Councillor P J Hawkins asked the the Portfolio Holder for Access and Property Management how many Fixed Penalty Notices had been issued to date by Enforcement Officers for littering and dog fouling since the decision was taken not to use Xfor?

In response the Council was informed that three Environmental Enforcement Officers commenced employment on 19 August 2013 and underwent rigorous training for the majority of the first fortnight. The officers began patrolling the District on Thursday 28 August 2013. Prior to the new Enforcement Officers starting, over 100 officers including members of the neighbourhood policing teams, KCC Community Wardens, Environmental Health Officers, Civil Enforcement Officers, Waste Services Officers, Community Safety Officers and Landscape Services Officers were trained on completing an Incident Report Book. This scheme enables officers to record evidence of any offences witnessed whilst undergoing their normal duties. The information is passed to the Environmental Crime team who issue a fixed penalty notice where appropriate. This scheme has resulted in the issuing of 19 fixed penalty notices in period from 1 January 2013 until 28 August 2013 (14 for litter, three for dog fouling and two for failure to produce waste transfer notes). Of the FPNS issued 12 had been paid, two were withdrawn, one case had been prosecuted resulting in a fine of £100, one case was still pending prosecution and the time period for payment has not expired for the remaining three. In the first week that the new Environmental Enforcement Officers commenced their patrolling duties (29 August 2013 to 5 September 2013) nine FPNs had been issued (seven for litter and two for fouling). Of these two had been paid and seven were still within the permitted payment period.

- (2) Councillor A S Pollitt asked the Portfolio Holder for Access and Property Management about the current use of the former South Deal Primary School buildings and what action this Council, Kent County Council and or the owners/occupiers taking to ensure that the boundaries and unbuilt land were suitably maintained.

In response the Council was informed that the former South Deal Primary School buildings were still within the ownership of Kent County Council although planning consent had now been granted on appeal for the construction of 38 houses and six flats on the site. This was despite the decision of the Council's Planning Committee which on 17 January 2013 decided to refuse the application contrary to the advice of their professional officers. The application had been allowed on appeal with costs awarded against the Council. As regards the maintenance of the site, officers had been in touch with KCC who had advised that they were close to completing the sale of this property and that since the school's closure, they had contracted a property management company who secure the

building by temporary occupation and advise KCC as to when any maintenance work was required.

- (3) Councillor P M Brivio asked the Portfolio Holder for Housing, Children's Services and Safeguarding, Youth and Community Safety how many tenants had been summonsed for court proceedings as a result of changes to housing benefit legislation.

In response the Council was informed that there were two cases where legal action has been started in respect of rent arrears which the tenants claim were the result of social size criteria changes. An application had been made for a court hearing date but in both cases the action had been suspended as a result of an agreement being reached with the tenant for the arrears to be cleared.

- (4) Councillor B W Bano asked the Portfolio Holder for Access and Property Management what he was doing to influence the investment decisions of Network Rail for Control Period 5, and in particular to improve access for disabled passengers where required.

In response the Council was informed that there was meeting scheduled with Kent County Council, who were the Transport Authority, on 17 October followed by a Stakeholder Meeting with South Eastern and others. If Members were aware of any deficiencies they should advise the Portfolio Holder as he understood that the rail facilities in our area were compliant with current regulations.

- (5) Councillor P Walker asked the Leader of the Council what steps he was taking to establish a published programme of training, including updating, for all members.

In response the Council was informed that in a District Election year a full Induction and Training Programme was provided for Members. In subsequent years training would be provided where there was a change in Membership or a change in legislation, for example the change in the Standards Regime. Members were also aware that Planning Training will be held later this month and the Portfolio Holder was not aware of any request by a Member for training being refused where the training was appropriate to their role.

- (6) Councillor L A Keen asked the Portfolio Holder for Environment, Waste and Planning what action he was taking to alleviate the current loss in Green Waste income of £35,000 reported in the June 2013 budget monitoring report.

In response the Council was informed that the garden waste service itself had not made a loss of £35k. What had been reported was that the Green Waste income was lower than the figure that had been put in the budget. The total impact of the pressure was estimated at £35k. In fact, the number of subscribers to the service had increased by 478 this year to nearly 4,500. However this was still fewer than had been assumed within the budget provisions for 2013/14. Promotion of the service was continuing as widely as possible and a series of road-shows had taken place across the District in May to promote the garden waste collection scheme.

- (7) Councillor B Gardner asked the Portfolio Holder for Environment, Waste and Planning when he was likely to receive the information he had requested or whether he should be submitting a Freedom of Information request in the hope of receiving the information he had repeatedly requested.

In response the Council was informed that the Department had attempted to provide the information requested, but does not collate the breadth of information to fully answer the question. The data requested required both detailed and outline planning consents, but they currently only collate detailed consents for the AMR and it would involve a significant amount of work to broaden this data set. This might be something that could be undertaken in future AMR's if required.

- (8) Councillor M R Eddy asked the Portfolio Holder for Health and Well-being what action he had taken to ensure that the outpatients services currently provided at Deal Hospital were retained there.

In response the Council was informed that Councillor P G Heath opposed the closure of any services at Deal Hospital.

217 URGENT BUSINESS TIME

There was no urgent business.

The meeting ended at 7.44 pm

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MINUTES OF PROCEEDINGS

At the Extraordinary meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 25 September 2013 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	M R Eddy	M J Ovenden
B W Bano	R J Frost	A S Pollitt
T J Bartlett	J H Goodwin	J A Rook
P M Beresford	D Hannent	M A Russell
T A Bond	P J Hawkins	F J W Scales
P M Brivio	P G Heath	A R Smith
B W Butcher	S J Jones	C J Smith
P I Carter	L A Keen	J M Smith
S S Chandler	N S Kenton	J F Tranter
N J Collor	S C Manion	R S Walkden
M D Conolly	K Mills	P M Wallace
G Cowan	K E Morris	P A Watkins

Officers:

- Chief Executive
- Director of Finance, Housing and Community
- Director of Environment and Corporate Assets
- Solicitor to the Council
- Head of Finance
- Head of Strategic Housing
- Democratic Services Manager

233 APOLOGIES

Apologies for absence were received from Councillors J A Cronk, B Gardner, G J Hood, G Lymer, S M Le Chevalier, P S Le Chevalier, R J Thompson and P Walker.

234 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

235 ANNOUNCEMENTS

The Leader announced that Bond City had concluded its negotiations with Cineworld for a six screen cinema and three restaurant complex. It is anticipated that a planning application would be submitted in the coming weeks.

236 HOUSING REVENUE ACCOUNT BALANCES

The Council considered the report of the Director of Finance, Housing and Community on the Housing Revenue Account Balances.

It was moved by Councillor M D Conolly and duly seconded

- (a) That the transfer of £12.5 million of credit balances from the Housing Revenue Account to the General Fund, in the Council's 2012/2013 accounts, in accordance with Schedule 4, Part III, paragraph 2 of the Local Government and Housing Act 1989, be approved.
- (b) That Council rescinds resolution 256(c) passed at its meeting held on 3 October 2012.

It was moved as an AMENDMENT by Councillor M R Eddy and duly seconded that an additional recommendation be added as follows:

- (c) That the monies will in the lifetime of this Council only be used for (a) the provision of additional housing, outside of the HRA through direct construction/purchase or by financial assistance to Registered Social Landlords (RSLs) and (b) the potential to increase Disabled Facilities Grants.

On being put to the vote the amendment was LOST.

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

It was requisitioned in accordance with Rule 18.4 of the Council Procedure Rules that the manner of voting in respect of this matter be recorded.

The manner of voting was as follows:

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
T J Bartlett		B W Bano
P M Beresford		P M Brivio
T A Bond		G Cowan
B W Butcher		M R Eddy
P I Carter		J H Goodwin
S S Chandler		P J Hawkins
N J Collor		S J Jones
M D Conolly		L A Keen
R J Frost		K Mills
D Hannent		A S Pollitt
P G Heath		J F Tranter
N S Kenton		P M Wallace
S C Manion		
K E Morris		
S R Nicholas		
M J Ovenden		
J A Rook		
M A Russell		
F J W Scales		
C J Smith		
R S Walkden		
P A Watkins		

Councillors A R Smith and J M Smith left the meeting before the vote was taken.

RESOLVED: (a) That the transfer of £12.5 million of credit balances from the Housing Revenue Account to the General

Fund, in the Council's 2012/2013 accounts, in accordance with Schedule 4, Part III, paragraph 2 of the Local Government and Housing Act 1989, be approved.

- (b) That Council rescinds resolution 256(c) passed at its meeting held on 3 October 2012.

(Councillors A R Smith and J M Smith left the meeting at 6.45 pm. Councillor P J Hawkins arrived at the meeting at 6.55 pm.)

The meeting ended at 7.20 pm