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27 January 2014

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 29 January 2014 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

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

To confirm the Minutes of the meeting held on 27 November 2013.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 27 November 2013 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

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

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

358 **APOLOGIES**

Apologies for absence were received from Councillors N S Kenton, S M Le Chevalier, F J W Scales and J F Tranter.

359 **DECLARATIONS OF INTEREST**

Councillor P M Brivio declared an Other Significant Interest in Minute No. 369 by reason of her membership of Kent County Council's Planning Committee and withdrew from the meeting for the consideration of this item.

Councillor S C Manion declared an Other Significant Interest in Minute No. 369 by reason of his membership of Kent County Council's Planning Committee and withdrew from the meeting for the consideration of this item.

360 **MINUTES**

The Minutes of the meetings held on 18 and 25 September 2013 were approved as a correct record and signed by the Chairman.

361 **ANNOUNCEMENTS**

The Chairman of the Council made the following announcements:

(a) The Death of Mr David Sturt

The Chairman announced the news of the death of a former Director of Planning, Mr David Sturt, who had joined the Council during the local government reorganisation of 1974. During his time with the Council he worked on many major planning applications including the Channel Tunnel, for which Dover was the lead planning authority. Mr Sturt left the Council to become a church minister.

The Chairman invited Councillors G J Hood and P A Watkins to speak in respect of Mr Sturt.

(b) The Death of Lady Pender, OBE

The Chairman announced the death of Lady Pender, the Deputy Lieutenant of Kent and a former County Councillor for the district. Lady Pender had been awarded her OBE for her contribution in the voluntary and community sector. The Council was informed that Lady Pender had worked hard to promote the Dover District.

Councillors B W Bano, M R Eddy and P A Watkins spoke in respect of Lady Pender at the Chairman's invitation.

The Chairman called upon the members of the Council to stand in silence for a minute as a mark of respect for Mr Sturt and Lady Pender.

362 LEADER'S TIME

The Leader of the Council, Councillor P A Watkins, included the following matters in his report:

(a) The announcement that Hadlow College would be investing in the former colliery site at Betteshanger creating new educational and employment opportunities.

(b) That Mr Peter Jones had been appointed Chairman of the South East Local Enterprise Partnership (LEP), which had been given responsibility for delivering some funding from the government relating to transport schemes. The LEP had been divided into a 'federated model' split along county boundaries, with small groups for each county sifting funding applications.

(c) The work being undertaken as part of the Kent Pioneer Programme in integrating health and social care services and the role of the South Kent Coast Health and Wellbeing Board in it.

(d) To welcome the news of the extension of HS1 services to Deal and Sandwich and to thank all those involved in helping it happen. However, it

was emphasised that there was a need to link this to the Enterprise Zone and make it a permanent service.

- (e) The visit by the minister responsible for Ports to Dover and the work being undertaken to finalise the new Board and organisation of Dover Harbour Board following the decision not to privatise the port. There was progress being made by Dover Harbour Board in respect of regeneration and working with the local community.

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

- (a) To welcome the investment by Hadlow College at Betteshanger.
- (b) That he had attended a Local Government Association meeting on 'Rewiring Local Government' at which many attendees had been critical of the Local Enterprise Partnerships and cuts to local government funding.
- (c) To welcome the news on integrated health and social care funding and to express hope that this would improve the links between health and social care service provision in respect of mental health services for children.
- (d) To welcome the news of the extension of HS1 until October 2014 but emphasis the need for the service to become permanent.
- (e) To welcome the changes to the board of Dover Harbour Board.

The Leader of the Council responded to points raised by the Leader of the Opposition Group in his report as followed:

- (a) To state that the Council had everything in place it needed to deliver a number of projects that were funded by the Local Enterprise Partnerships and that it would continue to engage with the LEPs to access this funding.
- (b) To state that the issue of children's mental health services was an important one that both Dover and Shepway District Councils were keen to see progress on.
- (c) That he would continue to campaign for a permanent extension of the HS1 service to Deal and Sandwich.

363 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no new appointments.

364 QUESTIONS FROM THE PUBLIC

In accordance with Rule 11 of the Council Procedure Rules, the Leader of the Council responded to the following question asked by Mr J Stewartson:

“At the meeting of Council held on the 24 July 2013 Councillor Mike Eddy proposed the motion:

'This Council opposes the resumption of the export of live animals to continental Europe from the port of Dover, despite widespread opposition from the British public and resolves to lobby the Secretaries of State for Transport and for Environment, Food and Rural Affairs to amend the outdated Harbours, Docks and Piers Clauses Act 1847 in order to allow port authorities in the UK the right to refuse the use of its port to any ship involved in such activities. The Council also resolves to lobby Dover Harbour Board to grant RSPCA inspectors access to the port and inspect any future shipments of live animals to the Continent.'

You (Councillor Paul Watkins) proposed and it was supported by the council that in accordance with Council Procedure Rule 14(d) the matter be referred to the Scrutiny (Community and Regeneration) Committee as the appropriate body for dealing with this matter.

In the four months since the issue was discussed at full council over 60 lorries (more than 25,000 animals) have needlessly passed through the Port of Dover. At this stage what steps have the council and officers taken to put in place a timetable and when do you anticipate that members of the council will commence the investigation of the issues raised in Councillor Eddy's motion.”

In response Councillor P A Watkins stated that this was a matter for the Scrutiny (Community and Regeneration) Committee to respond too and to note that its Chairman, Councillor G J Hood, would be answering a similar question later in the agenda on this matter.

365 QUESTIONS FROM MEMBERS

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

(a) To Chairmen/Vice-Chairmen of Committees

- (1) Councillor M R Eddy asked the Chairman of the Governance Committee, Councillor T J Bartlett if he was satisfied that the transfer of funds from the Housing Revenue Account to the general fund was carried out in a proper and legal manner.
- (2) Councillor P J Hawkins asked the Chairman of the Scrutiny (Community and Regeneration) Committee, Councillor G J Hood, if he could inform the Council of the steps that have been taken to scrutinise the issue referred by the Council at its meeting held on 24 July 2013 on the issue of live animal exports through the Port of Dover to the Scrutiny (Community and

Regeneration) Committee. Can the Chairman of that Committee and what the obstacles to undertaking the work programme have been.

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

- (3) In the absence of the Portfolio Holder for Environment, Waste and Planning, Councillor L A Keen, it was agreed that a written answer would be provided to her question which was as followed:

“In the light of the Government's response to this Council's letter about preserving local pubs, what steps is the Portfolio Holder for Environment, Waste and Planning taking to investigate the possibility of using an Article 4 direction to prevent the possible loss of local pubs?”

- (4) Councillor A S Pollitt asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly, if he agreed that there should be a cap set for pay day lenders and asked if he would he join the growing lobby of Government for the imposition of a levy on pay day lenders.
- (5) Councillor R J Thompson asked the Leader of the Council, Councillor P A Watkins, what support would be provided to help Aylesham Parish Council acquire the Aylesham Youth Centre under the 'right to bid' legislation.
- (6) Councillor G J Hood asked the Portfolio Holder for Access and Property Management, Councillor N J Collor, if he was confident that the licences and fees for traders in the Market Square in Dover, such as the East Kent Freemasons on 26 October, were correctly issued and correctly collected.
- (7) Councillor B W Bano asked the Leader of the Council, Councillor P A Watkins, if he could inform the Council as to what progress had been made by the Corporate Management Team in taking forward the Department of Communities and Local Government's guidance on filming Cabinet meetings.

366 GOVERNANCE LOCAL CODE REVISION

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

RESOLVED: (a) That the amended Corporate Governance Local Code, which incorporates the Risk Management Strategy and the Performance Management Framework, be adopted.

(b) That the amended Corporate Governance Local Code be adopted.

367 2013-2016 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

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

RESOLVED: That Council adopt the Statement of Policy and Principles issued under the Gambling Act 2005 without modification.

368 REVIEW OF THE CONSTITUTION 2013

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

RESOLVED: (a) That the Review of the Constitution 2013 be approved (including those in Part 3 in their entirety (Responsibility for Functions) and the proposed changes be incorporated into the Council's Constitution.

(b) That the Director of Governance, Solicitor to the Council and Democratic Support be thanked for their efforts in producing the Review of the Constitution 2013.

369 RESPONSE TO THE MOTION REFERRED TO THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

Councillor G J Hood introduced the report from the Scrutiny (Community & Regeneration) Committee in respect of the following motion originally moved by Councillor M R Eddy at the meeting of the Council held on 18 September 2013:

"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."

It was moved by Councillor G J Hood, duly seconded and

RESOLVED: (a) That the following primary concerns of the Scrutiny (Community and Regeneration) Committee in the absence of sufficient independent peer reviewed data to reassure it be noted:

(i) That the long term consequences of any pollution of the groundwater supply in the district due to chemicals used as part of the fracking process itself or contamination via improper management, storage and disposal of contaminated 'flowback' water were unclear.

(ii) The impact of the high volume of water consumption involved in the hydraulic fracturing process on groundwater

resources given that the Dover District was an identified area of water stress.

- (iii) The risk of seismicity arising from the hydraulic fracturing process given the particular characteristics of the local geology and the close proximity of population centres to the areas identified to date as potential drilling sites.
- (b) That the secondary concerns of the Scrutiny (Community and Regeneration) committee over the impact of noise, air pollution, light pollution and traffic on rural roads which it anticipated would be dealt with by the appropriate statutory bodies as part of the Kent County Council planning process in the event of any future applications, be noted.
- (c) That the Council be mindful of (a) and (b) above in its response to any future planning application considered by Kent County Council involving hydraulic fracturing and/or associated drilling activity until such time as sufficient independent peer reviewed data exists to mitigate the concerns expressed by the Committee.

(Councillor R J Frost asked that his individual vote against the question to be recorded in accordance with council procedure rule 18.5)

(Councillor P M Brivio declared an Other Significant Interest in this matter by reason of her membership of Kent County Council's Planning Committee and withdrew from the meeting for the consideration of this item.)

(Councillor S C Manion declared an Other Significant Interest in this matter by reason of his membership of Kent County Council's Planning Committee and withdrew from the meeting for the consideration of this item.)

370 MOTIONS

- (a) In accordance with Council Procedure Rule 13, Councillor M D Conolly gave notice of his intention to move the following Motion:

"This Council welcomes the economic recovery seen both nationally and locally in recent months.

Council recognises that Business Rates are now one of the main overheads facing small and growing businesses and accordingly Council requests that the Leader write both to the Department for Communities and Local Government and to the Treasury urging them to:

- Freeze Business Rates for 2024/15 and

- Carry out a fundamental review of the equity and sustainability of current Business Rates principles and levels.

as Council believes this action will help ensure that the pressure on small businesses and retail outlets is reduced, thereby protecting existing businesses and encouraging new start ups as the economy expands."

The Motion was duly seconded.

It was moved by Councillor S J Jones, and was duly seconded, that the motion be amended as followed:

"This Council welcomes the limited signs economic recovery seen both nationally and locally in recent months.

Council recognises that Business Rates are now one of the main overheads facing small and growing businesses and accordingly Council requests that the Leader write both to the Department for Communities and Local Government and to the Treasury urging them to:

- Maintain the Business Rates multipliers for 2014/15 at their current rates and
- Carry out a fundamental review of the equity and sustainability of current Business Rates principles and levels, including the fairness of such a low differential between the rates for small and higher business rates and establishing a cap on the multipliers.
- That this Council will meet with the local landlords of business properties in the District and pursue absentee landlords to negotiate equitable restraint when reviewing the rent on which business rates are based.

as Council believes this action will help ensure that the pressure on small businesses and retail outlets is reduced, thereby protecting existing businesses and encouraging new start ups as the economy expands."

On being put to the vote the amendment was LOST.

It was moved by Councillor A S Pollitt that the words 'signs of' be added to the first line of the Motion prior to the words 'economic recovery' and the typo in the first bullet point be corrected to read '2014/15'.

Councillor M D Conolly, with the consent of his seconder, accepted Councillor A S Pollitt's proposals within his original Motion.

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

RESOLVED: That this Council welcomes the signs of economic recovery seen both nationally and locally in recent months.

Council recognises that Business Rates are now one of the main overheads facing small and growing businesses and accordingly Council requests that the Leader write both to the Department for Communities and Local Government and to the Treasury urging them to:

- Freeze Business Rates for 2014/15 and
- Carry out a fundamental review of the equity and sustainability of current Business Rates principles and levels.

as Council believes this action will help ensure that the pressure on small businesses and retail outlets is reduced, thereby protecting existing businesses and encouraging new start ups as the economy expands."

- (b) In accordance with Council Procedure Rule 13, Councillor A S Pollitt gave notice of his intention to move the following Motion:

"Dover District Council supports the work of credit unions and will encourage councillors and council staff to join one and save through the payroll system if they wish."

The Motion was duly seconded.

It was moved by Councillor M D Conolly, and was duly seconded, that the motion be amended as followed:

"Dover District Council supports the work of credit unions and will investigate the feasibility, methods and costs of enabling Members and staff to save through the payroll system if they wish."

Councillor A S Pollitt, with the consent of his seconder, accepted Councillor M D Conolly's proposals within his original Motion.

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

RESOLVED: That Dover District Council supports the work of credit unions and will investigate the feasibility, methods and costs of enabling Members and staff to save through the payroll system if they wish.

- (c) In accordance with Council Procedure Rule 13, Councillor P M Wallace gave notice of his intention to move the following Motion:

"This Council is concerned that tenants in social housing are feeling the cost of living pressures more than most. With this in mind, and the spectre of pay day lenders and other punitive credit providers, the Council will promote

membership of credit unions. Dover District Council will also encourage council house tenants to join credit unions with a £10 per household incentive."

The Motion was duly seconded.

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

371 URGENT BUSINESS TIME

There was no urgent business to transact.

The meeting ended at 9.03 pm