

# Public Document Pack



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10 September 2013

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 18 September 2013 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

## Members of the Council:

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

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

3 **MINUTES** (Pages 6 - 12)

To confirm the attached Minutes of the meeting held on 24 July 2013.

4 **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Head of Paid Service.

5 **LEADER'S TIME**

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

(Up to fifteen minutes is allowed for the Report of the Leader (and Cabinet), up to ten minutes is allowed for the Leader of the Major Opposition Group (or his nominee) to respond, up to five minutes is allowed for the Leader of any other Opposition Group (or his nominee) to respond. The Leader is allowed up to five minutes as a Right of Reply or 25% of the time given to the Opposition Group Leaders, whichever is the greatest.)

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

**QUESTIONS FROM MEMBERS**

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor P J Hawkins will ask the Portfolio Holder for Access and Property Management:

Can the Portfolio Holder for Access and Property Management inform the Council of how many Fixed Penalty Notices have been issued to date by our Enforcement Officers for littering and dog fouling since the decision was taken not to use Xfor?

- (2) Councillor A S Pollitt will ask the Portfolio Holder for Access and Property Management:

Can the Portfolio Holder for Access and Property Management inform the Council of 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 are suitably maintained?

- (3) Councillor P M Brivio will ask the Portfolio Holder for Housing, Children's Services and Safeguarding, Youth and Community Safety:

Could the Portfolio Holder for Housing, Children's Services and Safeguarding, Youth and Community Safety say how many tenants have been summonsed for court proceedings as a result of changes to housing benefit legislation?

- (4) Councillor B W Bano will ask the Portfolio Holder for Access and Property Management:

What is the Portfolio Holder for Access and Property Management doing to influence the investment decisions of Network Rail for Control Period 5, and in particular to improve access for disabled passengers where required?

- (5) Councillor P Walker will ask the Leader of the Council:

What steps is the Leader taking to establish a published programme of training, including updating, for all members?

- (6) Councillor L A Keen will ask the Portfolio Holder for Environment, Waste and Planning:

What action is the Portfolio Holder for Environment, Waste and Planning taking to alleviate the current loss in Green Waste income of £35,000 reported in the June 2013 budget monitoring report?

- (7) Councillor B Gardner will ask the Portfolio Holder for Environment, Waste and Planning:

Over the summer I have repeatedly requested specific information from Planning Officers and so far have been provided with information which only partly answers those questions and which was available from public sources. On the last occasion I stressed that I required the information to formulate a question for this meeting. Can the Portfolio Holder for Environment, Waste and Planning tell the Council when I am likely to receive the information I have requested, or should I submit a Freedom of Information enquiry so that I have some hope of receiving the information?

- (8) Councillor M R Eddy will ask the Portfolio Holder for Health, Well-Being and Public Protection:

What action has the Portfolio Holder for Health and Well-being taken to ensure that the outpatients services currently provided at Deal Hospital are retained there?

## 8 **MOTIONS**

- (1) In accordance with Council Procedure Rule 13, Councillor P M Wallace will move:

"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."

- (2) In accordance with Council Procedure Rule 13, Councillor L A Keen will move:

"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."

- (3) In accordance with Council Procedure Rule 13, Councillor M R Eddy will move:

"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."

9 **URGENT BUSINESS TIME**

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

**Large print copies of this agenda can be supplied on request.**

**MINUTES OF PROCEEDINGS**

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 24 July 2013 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	B Gardner	J A Rook
B W Bano	J H Goodwin	M A Russell
T J Bartlett	D Hannent	F J W Scales
P M Beresford	P J Hawkins	A R Smith
P M Brivio	P G Heath	C J Smith
B W Butcher	S J Jones	J M Smith
S S Chandler	N S Kenton	R J Thompson
N J Collor	P S Le Chevalier	R S Walkden
M D Conolly	S M Le Chevalier	P Walker
G Cowan	G Lymer	P M Wallace
M R Eddy	S C Manion	P A Watkins
R J Frost	A S Pollitt	

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

131 **APOLOGIES**

Apologies for absence were received from Councillors T A Bond, P I Carter, J A Cronk, G J Hood, L A Keen, K Mills, K E Morris, M J Ovenden and J F Tranter.

132 **DECLARATIONS OF INTEREST**

Councillor S S Chandler advised that she had a Disclosable Pecuniary Interest in Minute No 139.

133 **MINUTES**

The Minutes of the meetings held on 22 May 2013 were approved as a correct record and signed by the Chairman.

134 **ANNOUNCEMENTS**

The Chairman of the Council made the following announcements:

(a) **Birth of a Son for the Duke and Duchess of Cambridge**

That a letter had been written by the Chairman to the Duke and Duchess of Cambridge expressing congratulations on the birth of their son.

(b) Visits by Bangladesh High Commission and the Consul General of the French Embassy in London

To update the Council on the recent visits by the Bangladesh High Commission and the French Consul General to the District, and to show the civic gifts presented by them to the Council.

(c) Capel-le-Ferne

The Chairman's attendance at the recent gym equipment launch in Capel-le-Ferne.

(d) The Death of Former Councillor Roger Rook

The sad news of the death of former District Councillor Roger Rook who represented the Lower Walmer Ward from 1999 to 2003.

The Chairman then invited the Leader of the Council, Councillor P A Watkins, and the Leader of the Opposition, Councillor M R Eddy, to say a few words and they paid tribute to his good character and cheerful disposition.

The Council stood in silence as a mark of respect.

135 LEADER'S TIME

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

- (a) The £2 million investment in community and modern office facilities in Aylesham.
- (b) The work being undertaken by the South Kent Coast Clinical Commissioning Group in respect of intermediate care requirements for the district.
- (c) That no agreement had been reached between the South Kent Coast Clinical Commissioning Group and East Kent Hospitals over the closure of Deal Hospital outpatients facilities. However, the CCG had the final say on the matter.
- (d) Ongoing discussions between Kent County Council and South Kent Coast Clinical Commissioning Group on the allocation of funding for social care.
- (e) There were 44 firms at the former Pfizer site with a total 1400 jobs now on site or in the pipeline.
- (f) That Peter Jones, the ex-leader of East Sussex County Council and former Vice-Chairman of SEEDA had been appointed as Chairman of the South East Local Enterprise Partnership. He replaced the former chairman who had resigned following his election to Essex County Council.
- (g) The allocation of several EU funding streams such as Interreg to the South East Local Enterprise Partnership for awarding.

- (h) That the Council was bidding to extend Assisted Area Status as it provided access to funding streams that would otherwise be unavailable to the district.
- (i) That the Secretary of State had not called-in the Farthingloe planning application despite heavy public lobbying for a public enquiry.
- (j) That the changes to the Port Consultative Committee would be in place soon and it was hoped that once this was done progress could be made in advancing the regeneration agenda.
- (k) The recent visit by Mr Ed Vaizey MP, Minister for Culture, Communications and Creative Industries, to see the site of the proposed £15 million Commonwealth War Memorial planned for the Western Heights.

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

- (a) To welcome the good news in respect of Aylesham.
- (b) To welcome the news that the South Kent Coast Clinical Commissioning Group wanted to retain outpatient services at Deal Hospital.
- (c) To express his concern over the transfer of funding from health to social care and the need to ensure that the district got the share of any resources it was entitled to.
- (d) To express his support for continued Assisted Area Status and the need for more external funding to be obtained for the District.
- (e) To ask if the Leader of the Council supported Dover Harbour Board's view on the third Thames Crossing.

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

In answer to the Leader of the Opposition's question, to state that the consensus of opinion was for Option C was the best option for Kent and Essex. However, it was an incomplete exercise that hadn't considered the knock on affects of a third crossing on road infrastructure.

136 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no seat allocations and group appointments announced.

137 STATE OF THE DISTRICT

The Council considered the report of the Leader of the Council on the State of the District.

It was moved by Councillor P A Watkins and duly seconded

- (a) That the report and actions being taken through the Corporate Plan 2012/2016 be noted.



- (b) That the State of the District be received next in September 2014 and annually thereafter in the same month, in order to allow up-to-date Indices of Multiple Deprivation to be included in the report.

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

Council requests that Cabinet includes as a standard item on all its agendas, a requirement that Portfolio Holders report on the progress in each portfolio towards addressing the issues raised in the State of the District report so that the report may be updated on a timely basis as new data emerges.

Councillor P A Watkins proposed that if the wording of the amendment was altered to read "that Cabinet considers including as a standard item" he would be willing to accept the amendment as part of his recommendation.

Councillor M R Eddy, with the consent of his seconder, agreed to accept Councillor P A Watkins proposed altered wording so that his amendment read

Council requests that Cabinet considers including as a standard item on all its agendas, a requirement that Portfolio Holders report on the progress in each portfolio towards addressing the issues raised in the State of the District report so that the report may be updated on a timely basis as new data emerges.

Councillor P A Watkins, with the consent of his seconder, agreed to include the amendment as part of his proposal and on being put to the vote it was

- RESOLVED:
- (a) That the report and actions being taken through the Corporate Plan 2012/2016 be noted.
  - (b) That the State of the District be received next in September 2014 and annually thereafter in the same month, in order to allow up-to-date Indices of Multiple Deprivation to be included in the report.
  - (c) Council requests that Cabinet considers including as a standard item on all its agendas, a requirement that Portfolio Holders report on the progress in each portfolio towards addressing the issues raised in the State of the District report so that the report may be updated on a timely basis as new data emerges.

## 138 QUESTIONS FROM MEMBERS

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

- (a) Councillor A S Pollitt asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly, if he agreed that the Council's email and telephone systems needed updating.

In response the Council was informed that the telephone system exchange had been renewed recently and was working effectively. However, the overall telephone system contained 7 main elements and the failure of one part of this, a faulty circuit board, had caused the recent disruption to

service and steps had been taken to restore service. In the longer term EK Services were in discussions with relevant contractors to establish if there was a way of diagnosing problems more effectively and consideration would have to be given as to whether there was a business case for capital investment to replace some elements of the system.

- (b) Councillor P Walker asked the Portfolio Holder for Access and Property Management, Councillor N J Collor, if he could inform the Council of how many car parking penalty charges issued by the Council had been successfully challenged at the Traffic Penalty Tribunal (TPT) in financial years 2010/11, 2011/12 and 2012/13; how many challenges have been upheld and how much the average cost of each challenge was to the Council.

In response the Council was advised that less than 1% of Penalty Charge Notices issued had appeals successfully upheld by the TPT. The average cost of an appeal was calculated at £180.

- (c) Councillor P Walker asked the Portfolio Holder for Access and Property Management to explain, with specific references, DDC's discretion policies within the Council's Parking Enforcement Policy.

In response the Council was advised that both the Parking Enforcement Policy and the Guidelines for the Consideration of Challenges Against Penalty Charge Notices were available on the Council's website, the later document containing guidance on the exercise of discretion.

- (d) Councillor P J Hawkins asked the Portfolio Holder for Access and Property Management to explain how the current condition of the tennis court in Victoria Park, Deal would provide for the Wimbledon Champions of the future.

In the response it was acknowledged that the condition of the outdoor tennis courts at Victoria Park were not of the standard the Council wished due to a combination of repeated acts of vandalism to various sporting facilities and tight fiscal constraints facing the Council. The Council was in the process of drafting a Playing Pitch and Outdoor Sports Facility Strategy in order to provide clear direction and prioritise actions for both current and future sporting needs.

- (e) Councillor A S Pollitt asked the Portfolio Holder for Corporate Resources and Performance if he shared his concerns that financial cuts were restricting the ability of officers of the Council to provide information to Councillors, thereby running the risk of contravening the Access to Information Act.

In response Councillor M D Conolly stated that he had no knowledge that information being requested by Members was not being provided to them. It was suggested that the councillor speak with the Chief Executive or the relevant portfolio holder for the information he required relating to planning enforcement.

- (f) Councillor P M Wallace asked the Leader of the Council, Councillor P A Watkins, what procedures he intended to follow so that all Members would have an opportunity to contribute to the Council's response to the County

Council's proposals for the closure and service level reductions of Children's Centres and Sure Start centres in Dover and Deal?

In response the Deputy Leader and Portfolio Holder for Housing, Childrens' Services and Safeguarding, Youth and Community Safety, Councillor S S Chandler, advised that the Cabinet would be considering this matter in the Autumn.

- (g) Councillor B W Bano asked the Leader of the Council what steps he proposed to take in order to implement the guidelines issued by the Secretary of State on 12 June 2013 on the webcasting, filming and other recording of Cabinet meetings.

In response the Council was advised that the matter had been referred to the Corporate Management Team.

- (h) Councillor B W Bano asked the Portfolio Holder for Skills, Training, Tourism and Culture, Councillor C J Smith, how he intended to take forward the cultural agenda in the District following the failure of East Kent's bid to be short listed for the Capital of Culture and whether he planned to produce a cultural strategy.

In response the Council was advised that a cultural framework for the district had already been adopted and that many of the projects that it recommended had been completed in collaboration with other key stakeholders. In addition, work continued on the Heritage Strategy.

- (i) Councillor P Walker asked the Portfolio Holder for Skills, Training, Tourism and Culture if he would agree to set up an All Party working group to improve the districts position in respect of tourism.

In response it was stated that the Council supported the work of the White Cliffs Country Tourism Association which drew on expertise from across the tourism industry and the public and private sectors and did not see the benefit in duplicating its work by establishing a working group on the matter. In addition, locally the Council, both on its own and in conjunction with other partner organisations, continued to support the Dover Museum and Visitor Information Centres.

- (j) Councillor B Gardner will ask the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton, if he could inform the Council as to whether the question of substitutes at Planning Committee meetings had been resolved and whether he could comment on the potential impact of it on the validity of planning decisions over the last 3 years.

In response the Council was advised that the issue of substitutes at Planning Committee meetings had been resolved and he was confident in the validity of planning decisions made over the previous 3 years.

139 MOTION

Councillor M R Eddy gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following 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."

Councillor P A Watkins moved 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.

On being put to the vote it was

RESOLVED: That the motion be referred to the Scrutiny (Community and Regeneration) Committee.

(Councillor S S Chandler declared a Disclosable Pecuniary Interest in the motion and withdrew from the meeting for the consideration of the item on the grounds that her husband was a director of the farming company Chandler & Dunn Ltd and the farming enterprises included both sheep and beef. The meat from both enterprises was sold from the farm and the animals were slaughtered locally. However, the beef was produced from a prestigious pedigree Sussex herd and from time-to-time bulls were sold to farms in France and Belgium for breeding purposes.)

140 URGENT BUSINESS TIME

There was no urgent business.

The meeting ended at 8.01 pm