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19 November 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 27 November 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**

To confirm the Minutes of the meeting held on 18 September 2013 and the Minutes of the Extraordinary meeting held on 25 September 2013 (to follow).

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).)

7 QUESTIONS FROM THE PUBLIC

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 of the Council Procedure Rules.

(A maximum of three minutes is allowed for the question to be read. Up to 15 minutes is allowed for this part of the meeting. Members of the public may ask one supplementary question in addition to their original question. Afterwards any other Member at the Chairman's discretion, may speak for up to two minutes on a question or reply.)

Question from Jonathan 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.

8 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.

(a) To Chairmen/Vice-Chairmen of Committees

To receive answers in respect of questions from Members of the Council to the Chairman or Vice-Chairman of the Council or the Chairman of any Committee or Sub-Committee asked in accordance with Rule 12 of the Council Procedure Rules.

(1) Councillor M R Eddy will ask the Chairman of the Governance Committee:

Is the Chair of Governance 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 will ask the Chairman of the Scrutiny (Community and Regeneration) Committee:

At the Council meeting of 24 July 2013, it was agreed to refer the issue of live animal exports through the Port of Dover to the Scrutiny (Community and Regeneration) Committee. Can the Chairman of that Committee inform the Council of the steps that have been taken to scrutinise the issue and what the obstacles to undertaking the work programme have been?

(b) To the Executive

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.

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

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 will ask the Portfolio Holder for Corporate Resources and Performance:

Does the Portfolio Holder for Corporate Resources and Performance agree that there should be a cap set for pay day lenders and will he join the growing lobby of Government for the imposition of a levy on pay day lenders?

- (5) Councillor R J Thompson will ask the Leader of the Council:

What support will the Leader of the Council provide to help Aylesham Parish Council acquire the Aylesham Youth Centre under the 'right to bid' legislation?

- (6) Councillor G J Hood will ask the Portfolio Holder for Access and Property Management:

Is the Portfolio Holder for Access and Property Management 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 will ask the Leader of the Council:

Could the Leader inform the Council what progress has been made by the Corporate Management Team in taking forward the Department of Communities and Local Government's guidance on filming Cabinet meetings?

9 **GOVERNANCE LOCAL CODE REVISION** (Pages 8 - 57)

The Governance Committee at its meeting on 26 September 2013 considered the attached report of the Director of Governance upon the Governance Local Code Revision.

The recommendations of the Committee will be circulated at the meeting.

10 **2013-2016 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005** (Pages 58 - 99)

To consider the attached report of the Licensing Team Leader.

11 **REVIEW OF THE CONSTITUTION 2013** (Pages 100 - 104)

The Governance Committee at its meeting on 19 November 2013 considered the attached report of the Director of Governance and Monitoring Officer upon the Review of the Constitution 2013.

The recommendations of the Committee will be circulated at the meeting.

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

To consider the report of the Scrutiny (Community and Regeneration) Committee in respect of the following Motion referred to the Committee by Council at its meeting 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."

The original Motion was proposed by Councillor M R Eddy.

The report of the Scrutiny (Community and Regeneration) Committee is to follow.

13 **MOTIONS**

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

"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."

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

"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."

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

"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."

14 **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. 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 for details.

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