



**Council Meeting**

**Council Offices**  
**White Cliffs Business Park**  
**Dover**

Wednesday, 20 July 2016

Summons and Agenda

**Nadeem Aziz**  
Chief Executive





Democratic Services  
White Cliffs Business Park

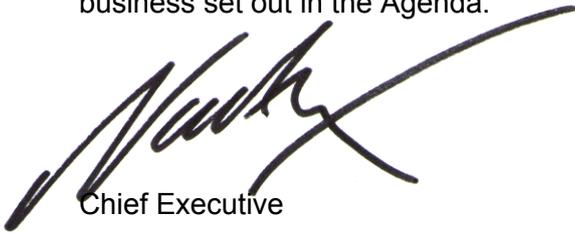
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12 July 2016

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 20 July 2016 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

S S Chandler (Chairman)	M R Eddy	S M Le Chevalier
D Hannent (Vice-Chairman)	A Friend	S C Manion
J S Back	R J Frost	K Mills
S F Bannister	B Gardner	K E Morris
T J Bartlett	B J Glayzer	D P Murphy
P M Beresford	P J Hawkins	M J Ovenden
T A Bond	P G Heath	A S Pollitt
P M Brivio	J M Heron	G Rapley
B W Butcher	S Hill	A F Richardson
P I Carter	M J Holloway	M Rose
N J Collor	T P Johnstone	D A Sargent
M D Conolly	S J Jones	F J W Scales
M I Cosin	L A Keen	P Walker
D G Cronk	N S Kenton	P M Wallace
N Dixon	P S Le Chevalier	P A Watkins

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **MINUTES** (Pages 10 - 18)

To confirm the attached Minutes of the meetings held on 18 May 2016.

3 **DECLARATIONS OF INTEREST** (Page 19)

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

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.

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader (or their nominee) of the Major Opposition Group (Labour Group) shall be allowed up to 10 minutes to respond.
- (c) The Leader (or their nominee) of the Other Opposition Group (UKIP Group) shall be allowed up to 5 minutes to respond.
- (d) The Leader of the Council shall be allowed up to 5 minutes to exercise 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) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- (b) The period for questions by the public shall be limited so that no further questions shall be put after the elapse of 15 minutes from the commencement of the first question.
- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of

the original question or the reply.

- (e) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

### **Questions from the Public**

In accordance with Rule 11 of the Council Procedure Rules, Penelope James gave notice of her intention to ask the following question of Councillor N S Kenton, the Portfolio Holder for Environment, Waste and Planning:

“Why was Dover District Council able to attend and stop the music at the recent Mind Festival in Coldred on Saturday June 4, 2016 at the request of local residents from Lydden but has been, seemingly, unwilling to enforce the Noise Abatement Notice on Music served on Lydden Hill Race Circuit on May 21, 2012 at any time during the past four years when called out?

Local residents have been complaining about noise from evening entertainment from Lydden Hill Race Circuit for many years now. We find it unacceptable that we have to put up with an evening of booming music after a day of intrusive racing noise. Dover District Council is aware in advance of the dates which are liable to be noisy and yet, when the Out of Hours Office is called by Wootton residents, it still appears unprepared to enforce the NAN.

As we understand it, in order to be in a position to call Out of Hours one needs to be able to hear the noise inside the house. Wootton is located in an Area of Outstanding Natural Beauty, as is Lydden Hill Race Circuit, and in the summer residents like to sit outside in the garden for dinner or a drink – this is why we have chosen to live here. Some residents have lived here since before the Circuit commenced operation and many more of us before the current owners took over and the noise increased exponentially. But more and more frequently over the past 8 years we find ourselves having to retire inside and shut all the doors and windows on beautiful summer evenings in an attempt to get away from the noise, and yet still it is intrusive.

We appreciate and understand that the Circuit is going to hold a number of noisy events during the year. Our grievance is that these evening events do not always finish on time, are extremely noisy (yes even the Silent discos) and take place after a long day of noise. When we call Out of Hours no one responds or the officer comes out too late and, most importantly, no subsequent action is ever taken. Yet we have been told that this is something that would be very simple to sort out.

If Dover District Council can stop the music for the Mind Festival why does it not enforce the NAN on Lydden Hill Race Circuit?”

## **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 Scrutiny (Policy and Performance) Committee, Councillor K Mills:

“Although the current French Government has recently refused the request of the Mayor of Calais, made in the light of the EU referendum vote in this country, to revoke the bilateral agreements between France and Britain and thereby remove British frontier checks from Calais and Dunkerque, what consideration has been given through the scrutiny process to the possible impact of such a revocation on the services and finances of this District?”

(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.

- (2) Councillor P J Hawkins will ask the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“Since 2011 the Council has approved new housing developments in Sholden that total nearly 500 new homes, and there are rumours of a further development on the site currently being developed by Persimmons in the Church Lane area. Can the Portfolio Holder for Environment, Waste and Planning tell the Council at what point it will be decided that saturation point has been reached in terms of further housing developments in Sholden given the lack of suitable infrastructure to support those further developments?”

- (3) Councillor S F Bannister will ask the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett:

“The Council has embarked on public consultation on the Sports and Leisure Strategy, and the proposals for the new leisure centre. How has the Council ensured that the consultees, in terms of location and income group, are a fair sample of local people?”

- (4) Councillor D A Sargent will ask the Leader of the Council, Councillor P A Watkins:

“I am sure the Leader of the Council joins me in condemning the post-referendum increase in racist and xenophobic hate crime attacks in various parts of the Country. Will he please outline the actions that this council can take to tackle hate crime?”

- (5) Councillor S J Jones will ask the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“Can the Portfolio holder for Corporate Resources and Performance

provide further information regarding the urgent decision to release £185,000 for routine maintenance on the Council's assets? Bearing in mind it is well known that there is a maintenance backlog how was the decision prioritising these projects made?"

- (6) Councillor B Gardner will ask the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"Would the Portfolio Holder please explain the background and the reasons as to why the new levels of the fees for local land charges had to be rushed through as an urgent decision notice and furthermore that the opportunity for Councillors to call this decision into Scrutiny had to be removed by the Chairman of Council?"

## 9 **MOTIONS**

Motions for which notice has been given are listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

If a Motion set out in the agenda is not moved by the Member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

A Motion must be about matters for which the Council has powers or duties or which affects the District.

- (1) In accordance with Council Procedure Rule 13, Councillor B J Glayzer will move:

"This council calls upon the Portfolio Holder for Access and Licensing to raise with Kent County Council the need for additional traffic calming measures by way of speed humps and, or 20mph speed buffering zones for Barton Road and Frith Road. This motion has been brought to attention due to increased tensions and discussions raised with constituents of the Tower Hamlets ward at the neighbourhood forum."

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

"This Council asserts that we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Dover District Council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Dover District Council will work to ensure local bodies and programmes have the support and resources needed to fight and prevent racism and xenophobia.

The members of the Council reassure all people living in Dover District that they are valued members of our community."

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

"This Council calls on Government to reconsider its transitional

arrangements for women born on or after 6 April 1951, so that women do not live in hardship due to pension changes they were not told of until it was too late to make alternative arrangements, and to make fair transitional state pension arrangements for all women born on or after that date.”

- (4) In accordance with Council Procedure Rule 13, Councillor P Walker will move:

“This Council will examine means of utilising Section 215 notices in more beneficial ways to further enhance both our regeneration programme and shopping areas and to support small businesses in this District.”

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

“This Council resolves to buy back the property known as the former Regent Cinema and agrees to work with any future purchaser and the council's partners to improve the building's appearance, not only of the seafront facade but also when seen from Sondes Road and South Street and the properties in those streets.”

10 **ESTABLISHMENT OF EAST KENT SERVICES COMMITTEE AND ASSOCIATED ARRANGEMENTS - REVISED DELEGATIONS** (Pages 20 - 24)

To consider the attached report of the Director of Governance.

11 **EXPLORING THE MERGER OF THE FIVE EAST KENT DISTRICT COUNCILS** (Pages 25 - 34)

To consider the attached report of the Chief Executive.

12 **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 will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.

- 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, 18 May 2016 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

J S Back	R J Frost	K E Morris
S F Bannister	B Gardner	D P Murphy
T J Bartlett	B J Glayzer	M J Ovenden
P M Beresford	P J Hawkins	A S Pollitt
T A Bond	P G Heath	G Rapley
P M Brivio	S Hill	A F Richardson
P I Carter	M J Holloway	M Rose
N J Collor	S J Jones	D A Sargent
M D Conolly	L A Keen	F J W Scales
M I Cosin	N S Kenton	P Walker
D G Cronk	P S Le Chevalier	P M Wallace
M R Eddy	S C Manion	P A Watkins
A Friend	K Mills	

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

1 **ELECTION OF A CHAIRMAN**

In the absence of the Chairman or Vice-Chairman, the Head of Democratic Services called for nominations for a chairman for the first item of business.

It was moved by Councillor P A Watkins, and duly seconded, that Councillor P G Heath be elected Chairman for the duration of the first item of business.

On being put to the meeting it was:

RESOLVED: That Councillor P G Heath be elected Chairman for the first item of business.

Councillor P G Heath called for nominations for the position of Chairman of the Council for the ensuing municipal year 2016/17.

It was moved by Councillor M D Conolly and duly seconded, that Councillor S S Chandler be elected Chairman of Dover District Council for the ensuing municipal year 2016/17.

On being put to the meeting it was:

RESOLVED: That Councillor S S Chandler be elected Chairman of Dover District Council for the ensuing municipal year 2016/17.

(Councillor S S Chandler, who had not been present at the meeting prior to the vote being taken, entered the Council Chamber and, having made her declaration of acceptance of office, took the chair.)

2 APPOINTMENT OF A VICE-CHAIRMAN

The Chairman called for nominations for the position of Vice-Chairman for the ensuing municipal year 2016/17.

It was moved by Councillor F J W Scales, duly seconded and

RESOLVED: That Councillor D Hannent be appointed Vice-Chairman of the Dover District Council for the ensuing municipal year.

3 APOLOGIES

Apologies for absence were received from Councillors B W Butcher, N Dixon, D Hannent, J M Heron, T P Johnstone and S M Le Chevalier.

4 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

5 MINUTES

The Minutes of the meeting held on 2 March 2016 were approved as a correct record and signed by the Chairman.

6 ANNOUNCEMENTS

The Chairman made the following announcement:

(a) The Death of former Councillor R V Hansell

The Chairman announced the sad news of the recent death of former district councillor Mr R V Hansell who served on the Council between 1995 – 1999 representing the Shepherdswell with Coldred Ward and 2003 – 2007 representing the Eythorne and Shepherdswell Ward and was a former Leader of the Council in his capacity as the Chairman of the old Policy and Resources Committee in 1998-1999.

The Chairman called upon the group leaders to speak and condolences were expressed to Mr Hansell's family.

The Council stood in silence as a mark of respect for former district councillor Mr R V Hansell.

The Leader of the Council made the following announcement:

(a) St James (DTIZ) Development

That a significant announcement in respect of the St James development would be made the next day.

(b) Devolution Agenda

That there had been meetings held with Kent County Council and East Kent Leaders in respect of the Devolution Agenda and East Kent aspirations for devolution. A further update would be provided to the Council meeting to be held in July 2016.

7 APPOINTMENT OF CABINET

The Leader of the Council advised that he had made no changes to the number of members of the Cabinet or the portfolios.

RESOLVED: That in accordance with the notice provided by the Leader, it be noted that Cabinet would comprise of the following for the ensuing municipal year 2016/17:

- |   |                          |
|---|--------------------------|
| 1. Leader of the Council  | Councillor P A Watkins   |
| 2. Deputy Leader of the Council                                       | Councillor M D Conolly   |
| 3. Access and Licensing   | Councillor N J Collor    |
| 4. Environment, Waste and Planning                                    | Councillor N S Kenton    |
| 5. Housing, Health and Wellbeing                                      | Councillor P M Beresford |
| 6. Corporate Resources and Performance                                | Councillor M D Conolly   |
| 7. Skills, Training, Tourism, Voluntary Services and Community Safety | Councillor K E Morris    |
| 8. Property Management and Public Protection                          | Councillor T J Bartlett  |

8 APPOINTMENT OF SHADOW CABINET

Councillor M R Eddy, Leader of the Main Opposition, moved the composition of the Shadow Cabinet for the ensuing municipal year.

RESOLVED: That in accordance with the notice provided by the Leader of the Main Opposition Group, the Shadow Cabinet would comprise of the following for the ensuing municipal year:

- |                                    |                          |
|------------------------------------|--------------------------|
| 1. Leader of the Opposition        | Councillor M R Eddy      |
| 2. Deputy Leader of the Opposition | Councillor P Walker      |
| 3. Access and Licensing            | Councillor S F Bannister |
| 4. Environment, Waste and Planning | Councillor B Gardner     |

- 5. Housing, Health and Wellbeing      Councillor P M Brivio
- 6. Corporate Resources and Performance      Councillor P M Wallace
- 7. Skills, Training, Tourism, Voluntary Services and Community Safety      Councillor P Walker
- 8. Property Management and Public Protection      Councillor S J Jones

9      ESTABLISHMENT AND COMPOSITION OF COMMITTEES

It was moved by Councillor P A Watkins, duly seconded and

- RESOLVED: (a) That the Dover Joint Transportation Board and the 2 Overview and Scrutiny Committee be considered as Ordinary Committees for the purposes of calculating the allocation of seats for political groups.
- (b) That a Licensing Committee be appointed with 15 seats and, whilst noting the duty to ensure political proportionality does not apply to the Licensing Committee, its seats be allocated to reflect the proportionality of the Council.
- (c) That, having noted the allocation of seats calculated in accordance with the provisions of the Local Government and Housing Act 1989, the Council Committees be constituted as indicated below for the ensuring municipal year and the Boards and Forums be constituted with the membership, Chairman, Vice-Chairman and Spokespersons as shown:

Dover Joint Transportation Board

N J Collor  
T A Bond  
D G Cronk  
M J Holloway  
M J Ovenden  
D A Sargent  
P Walker  
3 Town Council Representatives  
2 KALC Representatives  
7 Kent County Council Division Members for the District

East Kent Services Committee

P A Watkins  
M D Conolly  
2 Substitute Cabinet Members

Electoral Matters Committee

P A Watkins      Chairman  
S S Chandler      Vice-Chairman  
M R Eddy  
F J W Scales  
P Walker

General Purposes Committee

S M Le Chevalier      Chairman  
M D Conolly      Vice-Chairman  
M R Eddy  
D P Murphy  
P Walker

Governance Committee

P G Heath      Chairman  
D Hannent      Vice-Chairman  
P I Carter  
S J Jones  
A S Pollitt  
A F Richardson

Joint Staff Consultative Forum

Joint Health, Safety and Welfare

M D Conolly	<u>Consultative Forum</u>
M I Cosin	M D Conolly
P G Heath	M I Cosin
S M Le Chevalier	P G Heath
K Mills	S M Le Chevalier
5 Staff Representatives	K Mills
	5 Staff Representatives

Licensing Committee

S F Bannister  
P M Brivio  
B W Butcher  
D G Cronk  
B Gardner  
B J Glayzer  
D Hannent  
M J Holloway  
L A Keen  
P S Le Chevalier  
S M Le Chevalier  
D P Murphy  
M J Ovenden  
M Rose  
D A Sargent

Planning Committee

F J W Scales    Chairman  
B W Butcher    Vice-Chairman  
J S Back  
T J Bartlett  
T A Bond  
B Gardner       Spokesperson  
D P Murphy  
A F Richardson  
P M Wallace

Regulatory Committee

B W Butcher        Chairman  
P S Le Chevalier    Vice-Chairman  
B Gardner  
S J Jones  
D P Murphy

Scrutiny (Policy & Performance) Committee

K Mills            Chairman  
M I Cosin        Vice-Chairman  
T A Bond  
R J Frost         Deputy Spokesperson  
B J Glayzer  
M J Holloway  
J M Heron  
D A Sargent  
S C Manion       Spokesperson  
M Rose

Standards Committee

B W Butcher        Chairman  
S M Le Chevalier    Vice-Chairman  
S S Chandler  
M R Eddy  
P J Hawkins  
S C Manion  
K Mills

Scrutiny (Community & Regeneration) Committee

L A Keen            Chairman  
P J Hawkins        Vice-Chairman  
T A Bond            Spokesperson  
P M Brivio  
P I Carter  
N Dixon  
R J Frost  
S Hill  
M J Ovenden        Deputy Spokesperson  
G Rapley

(The Licensing Committee, the Joint Health, Safety and Welfare Consultative Forum and the Joint Staff Consultative Forum each appoint its own Chairman and Vice-Chairman. The Chairman of the Dover Joint Transportation Board is appointed by the Cabinet.)

(d) That the following Lead Member appointments be noted:

<u>Lead Members</u>	<u>Conservative</u>	<u>Labour</u>
1. Leader of the Council	M J Holloway	-
2. Deputy Leader	-	-
3. Access and Licensing	T A Bond	M I Cosin
4. Environment, Waste and Planning	R J Frost	D G Cronk
5. Housing, Health and Wellbeing	M Rose	S Hill
6. Corporate Resources and Performance	D P Murphy	D A Sargent
7. Skills, Training, Tourism, Voluntary Services and Community Safety	N Dixon	J M Heron
8. Property Management and Public Protection	J S Back	A S Pollitt

10 CALENDAR OF ORDINARY MEETINGS 2016/17

It was moved by Councillor P A Watkins, duly seconded and

RESOLVED: That the Calendar of Ordinary Meetings for 2016/17 as set out in Appendix A be approved and adopted.

11 ANNUAL REPORT OF THE STANDARDS COMMITTEE

It was moved by Councillor M R Eddy, duly seconded and

RESOLVED: That the Annual Report of the Standards Committee be noted.

12 ANNUAL REPORT OF THE GOVERNANCE COMMITTEE

It was moved by Councillor P G Heath, duly seconded and

RESOLVED: That the Annual Report of the Governance Committee be noted.

13 ANNUAL REPORT ON SCRUTINY

It was moved by Councillor K Mills, duly seconded and

RESOLVED: That the Annual Report of Overview and Scrutiny be noted.

14 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 7.30 pm

# Public Document Pack

## MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 18 May 2016 at 6.29 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

J S Back	R J Frost	D P Murphy
S F Bannister	B J Glayzer	M J Ovenden
T J Bartlett	P J Hawkins	A S Pollitt
P M Beresford	P G Heath	G Rapley
T A Bond	S Hill	A F Richardson
P M Brivio	M J Holloway	M Rose
P I Carter	S J Jones	D A Sargent
N J Collor	L A Keen	F J W Scales
M D Conolly	N S Kenton	P Walker
M I Cosin	P S Le Chevalier	P M Wallace
D G Cronk	S C Manion	P A Watkins
M R Eddy	K Mills	
A Friend	K E Morris	

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

### 15 APOLOGIES

Apologies for absence were received from Councillors B W Butcher, N Dixon, B Gardner, D Hannent, J M Heron, T P Johnstone and S M Le Chevalier.

### 16 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

### 17 URGENT BUSINESS TIME

There were no items of urgent business.

### 18 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor F J W Scales, duly seconded 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 3 of Part I of Schedule 12A of the Act.

19 PROVISION OF GROUNDS MAINTENANCE SERVICE

The Council received a presentation from the Director of Environment and Corporate Assets and the Director of Finance, Housing and Community on the Provision of a Grounds Maintenance Service.

Members discussed the financial viability of an in-house Grounds Maintenance Service and how the performance of the service would be monitored.

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

- RESOLVED: (a) That the release of up to £400,000 from the Urgent Works earmarked reserve be approved to purchase the equipment necessary to establish the in-house service.
- (b) That officers be requested to report to a meeting of the Cabinet on the options for managing and monitoring the Grounds Maintenance Service.

The meeting ended at 7.30 pm

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered 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.

Other Significant Interest (OSI)

Where a Member is declaring an 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.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Canterbury City Council	Policy and Resources Committee Council 21 July 2016	13 July 2016
Dover District Council	Cabinet Council 20 July 2016	6 June 2016
Thanet District Council	Cabinet Council 14 July 2016	16 June 2016
East Kent Services Committee	To be advised (but following the last of the above meetings).	

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**Subject:** **Establishment of East Kent Services Committee and Associated Arrangements**

**Director/Head of Service:** Head of Legal Services (Canterbury)  
Director of Governance (Dover)  
Solicitor to the Council (Dover)  
Director of Corporate Governance and Monitoring Officer (Thanet)

**Decision Issues:** These matters are within the authority of the executive and the Council of each of the authorities of, Dover District and Thanet District and are within the authority of the Policy and Resources Committee and Council of Canterbury City Council.  
Once agreed by the above authorities this matter falls within the authority of the East Kent Services Committee.

**Decision type:** Not applicable

**Classification:** This report is open to the public.

**Summary:** *This report proposes minor amendments to the delegations made to the East Kent Services Committee by the three authorities in establishing revised governance arrangements for East Kent Services (EKS) and EK Human Resources (EKHR) in late 2014 early 2015*

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**Recommendation:**

**That the Cabinets of Dover District Council and Thanet District Council agree and approve and recommend to each Council:**

**That the delegation effected by paragraph 28 of Schedule 5 to the Original Report be amended to read as follows:-**

***“Acceptance of the lowest or most economically advantageous tender or bid for***

That the Policy and Resources Committee of Canterbury City Council agrees and recommends to its Council:

*the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available.”*

And that the delegation effected by paragraph 31 of Schedule 5 to the Original Report be amended to read as follows:-

*“The assignment or novation of a contract (subject to the provisions of the Public Contracts Regulations 2015).”*

That each Council resolves:

That the delegation to the East Kent Services Committee effected by the approval of paragraph 28 of Schedule 5 to the Original Report be amended to read as follows:-

*“Acceptance of the lowest or most economically advantageous tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available.”*

And that the delegation to the East Kent Services Committee effected by the approval of paragraph 31 of Schedule 5 to the Original Report be amended to read as follows:-

*“The assignment or novation of a contract (subject to the provisions of the Public Contracts Regulations 2015).”*

That the East Kent Services Committee resolves:

That the delegation to each of the Director of Collaborative Services and the Director of EK Services effected by the approval of paragraph 28 of Schedule 5 to the Original Report be amended to read as follows:-

*“Acceptance of the lowest or most economically advantageous tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available.”*

And that the delegation to each of the Director of Collaborative Services and the Director of EK Services effected by the approval of paragraph 31 of Schedule 5 to the Original Report be amended to read as follows:-

***“The assignment or novation of a contract (subject to the provisions of the Public Contracts Regulations 2015).”***

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**Next stage in process**

**Sealing and execution of the formal administrative collaboration agreement.**

## **SUPPORTING INFORMATION**

### **1. Background**

The revised governance structures for the delivery of the shared services by CCC DDC and TDC were approved on the report of Head of Legal Services (Canterbury), the Director of Governance (Dover), the Solicitor to the Council (Dover) and the Interim Legal Services Manager (Thanet) (“the original report”) by the respective Cabinets Council at the end of 2014 and the early 2015 and finally, by the East Kent Services Committee on 11 February 2015

Following this, the formal administrative collaboration agreement was finalised and circulated for sealing by the three authorities. Before this process was completed it was identified that some of the fine detail of the delegations approved by the respective councils and the East Kent Services Committee and reflected in the formal documentation no longer accorded with the applicable rules on public procurement which were changed on the coming into force of the Public Contracts Regulations 2015.

Although minor and easily remedied in terms of the administrative collaboration agreement, the areas of non-compliance with the revised delegations reflect the delegations which were actually agreed by the Cabinets and Council of each of the three authorities and the East Kent Services Committee. Therefore, is it necessary to ask each of these decision making bodies to formally approve the changes which have now been incorporated into the administrative collaboration agreement.

### **2. Features of Current Delegations and the Proposed Changes**

The proposed changes all relate to the schedules of the administrative collaboration agreement which set out the delegations made. These were set out, in Schedule 5 to the Original Report. They relate to two areas.

Firstly, the delegations made only allow for the East Kent Services Committee and the Directors of EK Services and Collaborative Services to accept the lowest tender or bid in a procurement process. In procurements which are subject to the Public Contracts Regulations lowest price is no longer a lawful award criterion. Contract subject to the regulations must now be accepted on the basis of the most economically advantageous tender.

The delegations to the East Kent Services Committee and the Directors of EK Services and Collaborative Services currently reads:-

*“Acceptance of the lowest tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available. (paragraph 28 of Schedule 5 to the Original Report).”*

This needs to be amended to read as follows:-

*“Acceptance of the lowest or most economically advantageous tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available.”*

Secondly, the delegations allow for the East Kent Services Committee and the Directors to agree to assign or novate contracts. The Public Contracts Regulations make specific provision in this regard which the earlier regulations did not. There is a need to reflect this in the delegations.

The delegations to the East Kent Services Committee and the Directors of EK Services and Collaborative Services currently reads:-

*“The assignment or novation of a contract.”* (paragraph 31 of Schedule 5 to the Original Report)

This needs to be amended to read as follows:-

*“The assignment or novation of a contract (subject to the provisions of the Public Contracts Regulations 2015).”*

**3. Relevant Council Documents**

Schedule 5 to the Original Report.

**4. Consultation planned or undertaken**

None.

**5. Options available with reasons for suitability**

(i) To approve the proposed amendments to the delegations

(ii) Not to approve the proposed amendments to the delegations .

**6. Reasons for supporting option recommended, with risk assessment**

Option (i) is recommended, as it aligns the delegations with current law.

**7. Implications**

(a) Financial Implications

None.

(b) Legal Implications

The proposed amendments to the delegations are in accordance with legislation and are considered to be lawful,

**8. Conclusions**

These amendments to the delegations to the East Kent Services Committee and to each of the directors of EK Services and Collaborative Services will enable to formal administrative collaboration agreement to be concluded in accordance with the decisions taken by the respective authorities in 2014/2015

**Contact Officer: David Randall (Dover District Council), 01304 872141**  
**Harvey Rudd (Dover District Council), 01304 872321**

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<b>Subject:</b>	<b>EXPLORING THE MERGER OF THE FIVE EAST KENT DISTRICT COUNCILS</b>
<b>Meeting and Date:</b>	<b>Council - 20 July 2016</b> <b>Cabinet – 25 July 2016</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor Paul Watkins, Leader of the Council</b>
<b>Decision Type:</b>	<b>Key Decision</b> (in respect of those decisions which are for the Cabinet)
<b>Classification:</b>	<b>UNRESTRICTED</b>

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**Purpose of the report:** To seek approval in principle , to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet

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**Recommendation:** Council is recommended to resolve:-

- 1 To provide £20,000 funding from general reserves to support the preparation of a business case.
- 2 That the formulation of any plan or strategy to implement any proposed merger of the East Kent district councils be a matter of Policy Framework and be reserved for the consideration of the full council pursuant to Article 4.01 (a)(ii) of the Constitution of the Council.

Cabinet is recommended to:-

- 1 Adopt the Leader’s statement of intent on behalf of the Council.
  - 2 Explore the merger of the five East Kent district councils.
  - 3 Authorise the Chief Executive to develop and agree work streams in consultation with the Leader.
  4. Authorise the Chief Executive to arrange for the engagement of appropriate professional advisors to support (1) above.
  5. Identify and specific points and issues they would like to be considered as part of the specification of work to be covered by the Business Case.
-

## 1. **Summary**

- 1.1 The report seeks approval in principle, based on the jointly agreed Statement of Intent attached as Appendix 1, to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet. This is in response to financial challenges facing local government and the opportunity to drive improvements and growth in the East Kent area.

## 2. **Reasons For Recommendations:**

- 2.1 Council is asked to agree the recommendations set out below because:

- (a) Local Government in England faces the combined challenges of increased demand for services coupled with further downward pressure on funding.
- (b) Local councils have the opportunity through the Cities & Local Government Devolution Act 2016 to take the steps required to make services more efficient, local government, transformed and redesigned around a new model.

## 3. **Background**

### **National Picture**

- 3.1 Local Government faces the combined changes of increased demand for services coupled with further downward pressure on funding. In order to take the steps required to make services more efficient, local government may need to be transformed and redesigned around new models. Furthermore, the Government has announced that by 2020, local authorities will be entirely dependent upon the income from local taxation (business rates and council tax) for their core funding, as core grant funding from central Government will be phased out.
- 3.2 Debates on the structure of local authorities and the viability of the two-tier system are nothing new, but they have been re-energised by the prospect of devolution, public sector reform and long-term changes to local government financing.

### **The Local Picture**

- 3.3 Discussions have taken place between all Kent councils to identify the most appropriate and fitting response to the Governments invitation. There are separate conversations taking place across the whole of Kent on the possibility of making a bid to Government for the devolution of powers and funding from Government to the public sector in Kent. The five East Kent district councils, whilst being party to these discussions are also keen to build on the economic and social cohesion of the area of East Kent.
- 3.4 Separate conversations have therefore been taking place between the Leaders of the five East Kent district councils, and latterly the Leader of the County Council, to explore;

- a) the possibility of the merger of the five councils into one larger district; and
  - b) the opportunity to distribute powers and functions more logically in the two-tier area.
- 3.5 In order to assist with this, the five East Kent districts jointly commissioned consultants (Grant Thornton & Bevan Brittan) to facilitate three workshops. These looked at:
1. The **art of the possible** –what could be achieved for East Kent and why;
  2. The **exploration of the preferred option** and considered dealbreakers and how we could achieve this option.
  3. **Engagement with KCC as a key stakeholder** to consider the opportunity to redistribute powers in the two tier area.
- 3.6 The Statement of Intent is the result of this work and we are seeking endorsement to that Statement as the basis for further work to explore the possibility of an East Kent district (see Appendix 1).
- 3.7 In addition, East Kent is continuing to work with Kent & Medway in many areas of commonality and mutual benefit.

#### **4. How did this Position Come About?**

- 4.1 The Kent Council Leaders meeting asked all District Leaders to consider the appetite for devolution and to bring back their position for open discussions in the New Year (2016).
- 4.2 The Leaders and Chief Executives of the five East Kent authorities (Ashford, Canterbury, Dover, Shepway and Thanet) with the support of Swale (attending as observers) have worked with Grant Thornton and Bevan Brittan to consider the possibilities and to bring us to this point. There is provisional evidence to suggest that creating an East Kent district could deliver savings as well as reinforcing the ability of local Government to provide better outcomes for the residents, businesses and visitors to the area. Historically, East Kent has worked well collaboratively on such issues and this work seeks to build on these relationships for the benefits of our communities.
- 4.3 The drivers for the potential East Kent arrangement were agreed by the Leaders as:
- Cohesive Economic Development, growth & regeneration
  - Housing Growth (affordable and total care for an ageing population) and delivery;
  - East Kent Local Highway Maintenance;
  - Skills and employment opportunities;
  - Health & Wellbeing agenda; and
  - Rationalising organisational structures.
- 4.4 With the aim to deliver:

- A more effective local government that is lean and commercial in its approach;
  - A reduction in the numbers of different management structures;
  - Clarification of governance for clear decision for each level of powers;
  - Upwards and downwards devolution of services in order to achieve best fit and most logical and effective outcomes.
- 4.5 The result of these discussions has led to consensus to explore the benefits and savings that could be achieved through the establishment of a merger of the five East Kent district councils, into a single district authority.
- 4.6 In addressing the question of re-organising the powers and functions of the two tier system, Leaders have also identified that an exploration of opportunities to consider the distribution of powers between a new District and the Town/Parish Councils contained or created within its boundaries should be looked at in the Business Case.
- 4.7 As said above, as part of the Business Case, we would seek to specifically consider what powers and functions currently held by either Kent County Council or the district councils could benefit from being redistributed or co-commissioned, should an East Kent district be deemed viable. Preliminary discussions with Kent County Council have identified the following services and functions that should be investigated further as part of the Business Case:
- Health & Social Care (including CCGs)
  - Waste collection and disposal managed by the same authority
  - Environmental Health, Trading Standards
  - Housing – supporting independence
  - Community and leisure facilities including libraries
  - Transport Policy – particularly as it connects to Local Planning
  - Operational Highways, including environmental and road maintenance e.g. potholes, verges, roundabouts etc

This list is by no means exhaustive, however, it identifies areas that could benefit from greater collaborative working with partners and could fit well with a larger district, such as East Kent.

## **5. Next Steps and Indicative Timescales**

- 5.1 The five East Kent districts are seeking approval in principle to explore the advantages, disadvantages and mechanisms of a potential merger of the current five districts into one East Kent District Council.
- 5.2 If moving towards an East Kent district council is viable and all five district councils agree to pursue this and the Business Case provides compelling evidence that this option will produce savings and economies of scale, the indicative timescale is to have the new East Kent authority in place before the next Local Elections in 2019.

5.3 Once completed, the Business Case will be brought back to Council for formal consideration.

## 6. Risk Management Issues

6.1 The risk management issues are summarised below:

Perceived risk	Seriousness	Likelihood	Preventative action
Reputational	4	3	To work closely with members and other neighbouring authorities in the ongoing discussions and debate.
Financial	3	3	To consider and grasp opportunities for financial savings and efficiencies through selected proposals.
Legal	5	2	To ensure any proposals are robust and follow legislative procedures, working closely with key Government Departments.

## 7. Legal/Financial and Other Controls/Policy Matters

7.1 Comments of the Solicitor to the Council

This report merely seeks authority to explore the merger of the five East Kent District Councils of Ashford, Canterbury, Dover, Shepway and Thanet. It does not seek any commitment beyond this.

Legal mechanisms which could be used to enable merger to take place are already incorporated within local government legislation. Any analysis of how these legal mechanisms would operate in an East Kent context and of the legal implications of engaging them is beyond the scope of this report. This analysis would be undertaken at a later date in the light of any specific proposals that emerge from the exploratory work envisaged by this report.

5.2 Comment from the Section 151 Officer

The financial resource required is up to £20K per authority to undertake the business case. The business case itself will consider the feasibility, and a clear priority for the consideration of an East Kent district is the savings that will be made from such a move. This information will be brought back to Council when complete and for each council to decide if it is supported.

6. Diversities and Equalities Implications

There are no diversity and equalities implications arising from this report.

## **6. Contact Officers and Background Documents**

Councillors with any questions arising out of this report should contact the Chief Executive prior to the meeting:

Nadeem Aziz, Chief Executive, 01304 872400

### **Appendices:**

Appendix 1: Statement of Intent for East Kent

Appendix 2: Preparing the Business Case

# Statement of Intent

## *To examine a merger of East Kent District Councils*



### Summary

The Leaders of Ashford, Canterbury, Dover, Shepway and Thanet District Councils have undertaken a series of discussions to examine options for closer collaboration, leading to a shared view **that a merger of the five East Kent districts merits further serious consideration.**

This Statement of Intent confirms the Leaders' thinking on the purpose of a merger and the principles that would underpin evaluation of the business case.

### Purpose of a potential merger

The preferred option for further investigation is the merger<sup>1</sup> of the **five** East Kent district councils. East Kent leaders believe that the purpose of a potential merger would be to:

#### 1. Deliver opportunity and prosperity for all in East Kent

- Work together to enhance the economic competitiveness of East Kent with a shared focus on jobs and housing
- Build on and market key sub-regional strengths such as a high-quality natural environment and a unique Europe-facing position
- Achieve better strategic influence over infrastructure and transport decisions
- Attract younger residents who are economically active

#### 2. Achieve better social outcomes and reduce inequality

- Improve quality of life for all residents
- Tackle deprivation and inequality throughout East Kent
- Better coordination of efforts to improve health outcomes especially for the ageing population, exploring new models of health and social care provision with partners

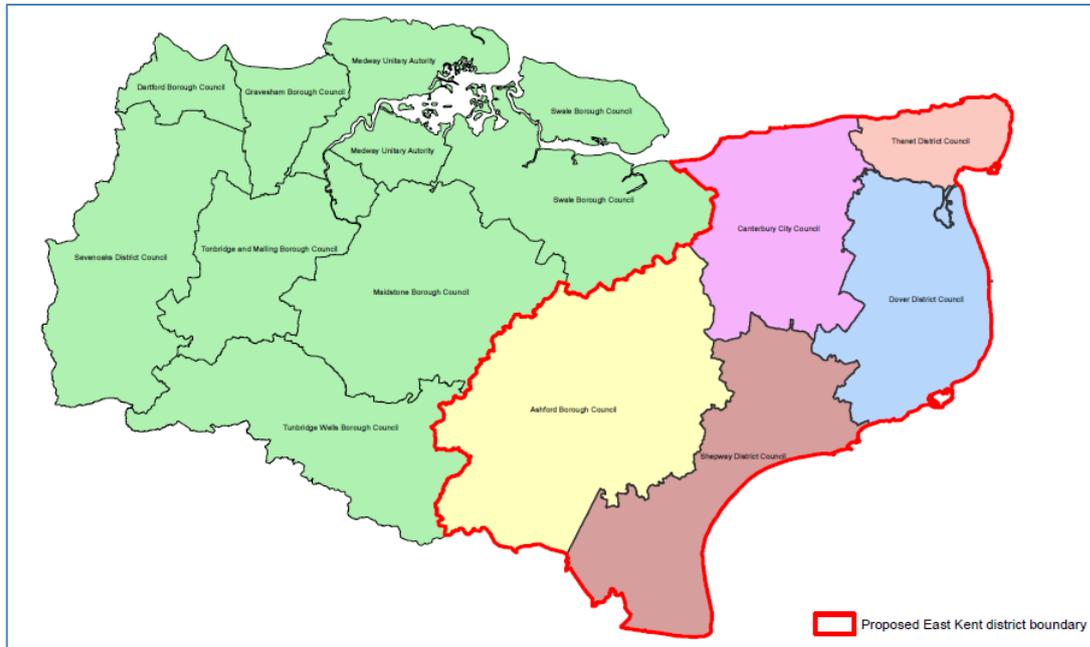
#### 3. Improve value for money and consistency of core services

- Pool resources to achieve greater consistency, quality and value for key services such as leisure, waste collection, public realm and environmental health
- Deliver an East Kent local plan
- Achieve more resilient services through increased scale

#### 4. Empower communities and create a platform for further innovation

- Speak with a single and louder voice with business, communities, partners and central government
- To improve democratic representation and accountability at every level by strengthening the role of town and parish councils
- Explore more commercial approaches to income generation and alternative delivery models
- Enable further service integration with partners

<sup>1</sup> The creation of a new unitary council for East Kent is **not** under consideration



## Principles for examining the business case

Discussions between Leaders have established a number of principles that will underpin the evaluation of any business case. These are:

- Decisions about East Kent must be taken at the right level to maximise engagement and empowerment of local communities, whilst also ensuring that strategic issues are considered at the right scale. East Kent expects meaningful involvement in devolution discussions between Kent County and central government.
- Any merger would proceed hand in hand with the opportunity for devolution of appropriate responsibilities to town and parish councils to the greatest extent that is possible, practical and legally permissible.
- The identity, civic responsibilities and heritage of the districts, towns and parishes of East Kent must be respected and protected under any new arrangement.
- Further careful examination of the implications for local council tax would be required.

We recognise that any potential business case will need to satisfy the evidential requirements of the Secretary of State and / or the Boundary Commission depending upon the preferred legal route. In either case these will include;

- The need to secure effective and convenient local government
- Reflecting the identities and interests of local communities
- Community support for proposals
- Financial clarity over the implications
- Clarity on proposed changes to electoral arrangements
- Implications for town and parish Councils

27 June 2016

## Preparing the Business Case

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If agreed, the draft scope for the Business Case will be prepared by the five East Kent Chief Executives, in consultation with the five district Leaders.

The Business Case will be based on the [Treasury's Five Case Model Approach](#) that states:

“Policies, strategies, programmes and projects will only achieve their spending objectives and deliver benefits if they have been scoped robustly and planned realistically from the outset and the associated risks taken into account.

The business case, both as a product and a process, provides decision makers, stakeholders and the public with a management tool for evidence based and transparent decision making and a framework for the delivery, management and performance monitoring of the resultant scheme.”

The business case therefore must evidence:

- That the intervention is supported by a compelling **case for change** that provides holistic fit with other parts of the organisation and public sector– the “strategic case”;
- That the intervention represent best **public value** – the “economic case”;
- That the proposed Deal is attractive to the market place, can be procured and is **commercially viable** – the “commercial case”;
- That the proposed spend is **affordable** – the “financial case”;
- That what is required from all parties is **achievable** – “the management case”.

Therefore a draft Business Case to examine the merger of five East Kent districts will need to contain:

- **Strategic case** – to measure the 'strategic fit' for each partner, measured against the demands of an increasingly integrated and locally driven public sector alongside the potential risks and benefits of regional or national collaboration on a wider scale.
- **Economic case** – to evaluate the high level cost-benefit of each option, focusing on value to the public. This will be on a consistent basis, savings potential and the ability to manage financial risk.
- **Commercial case** – to review the evidence and financial analysis to viability of each option, considering staff and asset transfer (where applicable), and to provide a high level analysis on the ability to manage the transfer of the precept in consideration of existing local government legislation and enabling options under the new Cities and Devolution Act.
- **Financial case** – to undertake financial analysis to consider how the options would be funded, including investment needs and working capital considerations and the sources of funding for these aspects.

- **Management case** – to consider the implications for operational management and governance under each option to ensure that the preferred option has effective processes and controls to ensure successful on-going delivery, that performance can be effectively monitored and benefits can be tracked.

Specifically, the Business Case will be asked to consider:

- Financial savings that could be achieved through an East Kent district
- Protecting democratic representation within East Kent and the role of Town & Parish Councils
- The shift in powers and functions between three tiers of local government
- Maintaining council tax levels to the lowest within East Kent (Ashford)