



Council Meeting

**Council Offices
White Cliffs Business Park
Dover**

Wednesday, 27 March 2019

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

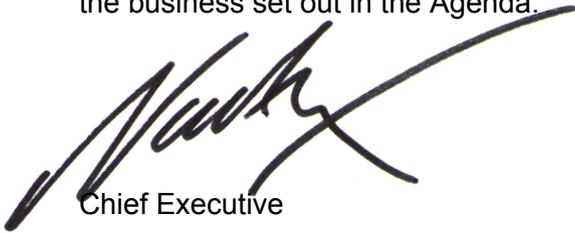
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19 March 2019

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 March 2019 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 C Manion |
| D Hannent (Vice-Chairman) | A Friend | K Mills |
| J S Back | R J Frost | K E Morris |
| T J Bartlett | B Gardner | D P Murphy |
| P M Beresford | B J Glayzer | A M Napier |
| T A Bond | P J Hawkins | M J Ovenden |
| P M Brivio | P G Heath | A S Pollitt |
| B W Butcher | J M Heron | G Rapley |
| P I Carter | M J Holloway | N A G Richards |
| N J Collor | S J Jones | M Rose |
| M D Conolly | P D Jull | D A Sargent |
| M I Cosin | L A Keen | F J W Scales |
| G Cowan | N S Kenton | P Walker |
| D G Cronk | P S Le Chevalier | P M Wallace |
| N Dixon | S M Le Chevalier | <i>Vacancy</i> |

AGENDA

- 1 **APOLOGIES** (Page 5)
To receive any apologies for absence.
- 2 **DECLARATIONS OF INTEREST** (Page 6)

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

3 **ANNOUNCEMENTS** (Page 7)

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

4 **DATE OF ANNUAL COUNCIL REPORT** (Pages 8 - 9)

To consider the attached report of the Head of Governance.

5 **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 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, Democratic Services Manager, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

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

AGENDA ITEM 1: APOLOGIES

To receive any apologies for absence.

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.

AGENDA ITEM 4: ANNOUNCEMENTS

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

Subject: DATE OF ANNUAL COUNCIL MEETING

Meeting and Date: COUNCIL – 27 MARCH 2019

Report of: Head of Governance

Classification: UNRESTRICTED

Purpose of the report: To rearrange the date of the Annual Council meeting

Recommendation:

- (a) That the date of the Annual Council meeting be changed from Wednesday 15 May 2019 to Thursday 16 May 2019.
- (b) That the date of the Licensing Committee meeting be changed from Wednesday 15 May 2019 to Thursday 16 May 2019.

1. Summary

This report seeks to change the date of the Annual Council meeting and the Licensing Committee meeting from Wednesday 15 May 2019 to Thursday 16 May 2019 to ensure that summons can be properly issued.

2. Introduction and Background

2.1 The arrangements for the retirement of non-metropolitan district councillors are set out in s.9(b) of the Local Government Act 1972 which states:

“(b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors...”

2.2 In the case of the local elections to be held on Thursday 2 May 2019, the fourth day after the ordinary day of election would be Monday 6 May 2019. However, as this is a bank holiday, the provisions of s.243 of the Local Government Act 1972 would apply which states:

“(1) Where the day or the last day on which anything is required or permitted to be done by or by virtue of any provision to which this subsection applies is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days specified above.”

2.3 The definition of ‘bank holiday break’ is set out in s.270 of the Local Government Act 1972 as follows:

“‘bank holiday break’ means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;”

In this instance the “last week day before the bank holiday” would be Friday 3 May 2019 and the period “ending with the next week day which is not a bank holiday” would be Tuesday 7 May 2019.

- 2.4 As a consequence, the Members of the 2015 - 2019 Council would retire on Wednesday 8 May 2019 and the new Members of the 2019 – 2023 Council would start on that day.
- 2.5 It would therefore not be possible to issue the summons on Tuesday 7 May 2019 for a Council meeting to be held on Wednesday 15 May 2019 as the 2019 – 2023 councillors would not yet have taken office. The earliest date that the Annual Meeting of Council could therefore be held would be Thursday 16 May 2019.
- 2.6 As the full Council set the date for the Annual Meeting of Council as 15 May 2019 at its meeting held on 23 May 2018, it is only for a meeting of the full Council to change this date.

3. Identification of Options

- 3.1 Option 1 – To change the date of the Annual Meeting of Council to Thursday 16 May 2019 at 6.00pm. The Licensing Committee meeting scheduled to take place at the conclusion of the Annual Council meeting to form the Licensing Sub-Committees would also need to be moved to Thursday 16 May 2019 as well.
- 3.2 Option 2 – To change the date of the Annual Meeting of Council to another date after 15 May 2019. However, the requirements of paragraph 1(2)(a) of Schedule 12 of the Local Government Act 1972 would apply as follows:

“The annual meeting of a principal council [...] shall be held—

(a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirements as the council may fix;”

- 3.3 As previously mentioned, the date of retirement for councillors is Wednesday 8 May 2019 which means that the Annual Meeting of the Council must be held no later than Wednesday 29 May 2019.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it has no impact on other meetings of the Council as set out in the Calendar of Meetings.
- 4.2 Option 2 would potentially require the adjustment of other dates in the Calendar of Meetings for May 2019 as it is for the Annual Meeting to appoint the committees and their memberships.

5. Resource Implications

- 5.1 There are no resource implications outside of existing budgets.

6. Appendices

None.

7. Background Papers

None.

Contact Officer: Rebecca Brough, Democratic Services Manager