

# Public Document Pack



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19 September 2023

Dear Councillor

**NOTICE OF DECISION TAKEN BY THE LEADER OF THE COUNCIL – (LD01 23)  
APPOINTMENT OF SANDWICH TOWN COUNCILLORS TO SANDWICH PORT AND  
HAVEN COMMISSION**

Please find attached details of a decision taken by Councillor Kevin Mills, Leader of the Council, to appoint two Sandwich Town Councillors to the Sandwich Port and Haven Commission to fill two vacancies.

The deadline for call-in of this decision is **10.00am on Monday, 25 September 2023**.

If call-in is not activated, the implementation date for this decision will be noon on 25 September.

Members of the public who require further information are asked to contact Democratic Services on 01304 872303 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in cursive script that reads "Kate Bailey - Smith". Below the signature is a short horizontal line.

Democratic Services Officer

ENCL

- 1 **NOTICE OF DECISION TAKEN BY THE LEADER OF THE COUNCIL - (LD01 23)  
APPOINTMENT OF SANDWICH TOWN COUNCILLORS TO SANDWICH PORT  
AND HAVEN COMMISSION** (Pages 2-4)

## Decision Notice

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<b>Decision No:</b>	<b>LD01</b>
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<b>Subject:</b>	<b>APPOINTMENT OF SANDWICH TOWN COUNCILLORS TO SANDWICH PORT AND HAVEN COMMISSION</b>
<b>Notification Date:</b>	<b>19 September 2023</b>
<b>Implementation Date:</b>	<b>25 September 2023</b>
<b>Decision taken by:</b>	<b>Councillor Kevin Mills, Leader of the Council</b>
<b>Authority:</b>	<b>By virtue of Section 9(E) (2) (a) of the Local Government Act 2000</b>
<b>Decision Type:</b>	<b>Executive Non-Key Decision</b>
<b>Call-In to Apply?</b>	<b>Yes (<i>the deadline for call-in will expire at 10.00am on 25 September 2023</i>)</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Reason for the Decision:</b>	Following nominations received by Sandwich Town Council, the Leader of the Council is requested to appoint two Sandwich Town Councillors to serve as commissioners on the Sandwich Port and Haven Commission.
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<b>Decision:</b>	That Sandwich Town Councillors William Fortescue and Jeff Franklin be appointed as Sandwich Port and Haven Commissioners for terms of office expiring in August 2025.
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1. **Consideration and Alternatives (*if applicable*)**
  - 1.1 See attached report.
2. **Any Conflicts of Interest Declared?**
  - 2.1 None.
3. **Supporting Information (*as applicable*)**
  - 3.1 See attached report.

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**Subject:** APPOINTMENT OF SANDWICH TOWN COUNCILLORS TO SANDWICH PORT AND HAVEN COMMISSION

**Date:** 19 September 2023

**Decision to be taken by:** Councillor Kevin Mills, Leader of the Council

**Report of:** Kate Batty-Smith, Democratic Services Officer

**Authority:** By virtue of Section 9(E) (2) (a) of the Local Government Act 2000

**Call-in to apply:** Yes (*Call-in will expire at 10.00am on 25 September 2023*)

**Decision Type:** Non-Key Executive

**Classification:** Unrestricted

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**Purpose of the report:** Following nominations received by Sandwich Town Council, the Leader of the Council is requested to appoint two Sandwich Town Councillors to serve as commissioners on the Sandwich Port and Haven Commission.

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**Recommendation:** That Sandwich Town Councillors William Fortescue and Jeff Franklin be appointed as Sandwich Port and Haven Commissioners for terms of office expiring in August 2025.

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## 1. Summary

- 1.1 Sandwich Town Council is required to nominate two commissioners to serve on the Sandwich Port and Haven Commission who are then formally appointed by Dover District Council.
- 1.2 Sandwich Town Council has nominated Councillors William Fortescue and Jeff Franklin to fill the vacancies left by two Sandwich Town Councillors who did not stand in the May 2023 local elections and therefore resigned from the Commission.

## 2. Introduction and Background

- 2.1 Using powers derived from the Sandwich Port and Haven Commissioners (Constitution) Revision Order 1976, the Council is responsible for appointing the eight commissioners that make up the Sandwich Port and Haven Commission. These comprise four independent commissioners (recruited via an open and competitive process), two appointed directly by Dover District Council and two nominated by Sandwich Town Council.
- 2.2 Sandwich Town Councillors Keith Heaven and Danielle Sivrikaya were appointed as commissioners by the Leader of the Council on 21 October 2022, following nominations received by Sandwich Town Council. However, they did not stand in the local elections held in May and tendered their resignations from the Sandwich Port and Haven Commission.
- 2.3 Although formally re-appointed in October, Councillors Heaven's and Sivrikaya's three-year terms of appointment had in fact expired in August 2022. Having arisen as casual vacancies, the tenure of Councillors Fortescue's and Franklin's appointments will

expire in August 2025, the date their predecessors' appointments would be due to expire.

### **3. Identification of Options**

- 3.1 Option 1 – To appoint the nominated councillors to serve as commissioners until August 2025. This is the recommended option.
- 3.2 Option 2 – Not to appoint the nominated councillors (or to ask Sandwich Town Council to nominate alternative councillors). This is not recommended as it would leave the Council in a position where it had not fulfilled its statutory duty and the Commission short of commissioners.

### **4. Resource Implications**

- 4.1 None.

### **5. Climate Change and Environmental Implications**

None.

### **6. Corporate Implications**

- 6.1 Comment from the Strategic Director (Finance and Housing) (linked to the MTFP): Accountancy has been consulted and has no further comments.
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: 'This report regarding the appointment of two Sandwich Town Councillors to serve as commissioners on the Sandwich Port and Haven Commission does not specifically highlight any equality implications. However, in discharging their duties, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>'

### **7. Appendices**

None.

### **8. Background Papers**

Sandwich Port and Haven Commissioners (Constitution) Revision Order 1976

E-mail exchanges with Sandwich Town Council

Contact Officer: Kate Batty-Smith (x 2303)