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MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 22 July 2015 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

D Hannent	A Friend	S C Manion
J S Back	B Gardner	K E Morris
S F Bannister	B J Glayzer	D P Murphy
T J Bartlett	P J Hawkins	M J Ovenden
P M Beresford	P G Heath	A S Pollitt
T A Bond	J M Heron	G Rapley
P M Brivio	S Hill	A F Richardson
B W Butcher	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
M R Eddy	S M Le Chevalier	

Officers:

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

20 APOLOGIES

Apologies for absence were received from Councillors P I Carter, R J Frost and K Mills.

21 MINUTES

The Minutes of the Annual Council Meeting held on 20 May 2015 were approved as a correct record and signed by the Chairman.

22 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

23 ANNOUNCEMENTS

The Chairman of the Council made an announcement to wish Ms M Pearce, PA to the Directors, well on her retirement after working for 47 years at Dover District Council and before that Dover Rural Council.

The Leader of the Council made an announcement to congratulate Deal Town Councillor Wayne Elliott on receiving a Locality Public Sector Hero award at the House of Lords.

24 LEADER'S TIME

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

- (a) That the Council was working to identify possible projects and assist them in bidding for funding under the Coastal Communities Fund.
- (b) That three groups had been set up as part of the group to look at the regeneration of Dover Town Centre after the delivery of the Dover Town Investment Zone. The groups would deal with (i) transport, (ii) tourism and (iii) heritage and planning.
- (c) The possible changes to the South East England Local Enterprise Partnership following the decision by the Essex LEP area to ask the Government for separate status. There was also support amongst local authorities and business in Kent for the idea of a Kent and Medway LEP.
- (d) At the recent Kent Leader's meeting, the issue of combined authorities for Kent along the lines of the Greater Manchester Combined Authority was discussed. A combined authority would deal with matters such as transport, economic development, health and social care.
- (e) That the East Kent Spatial Development Company had reported a surplus of £6 million and received healthy annual income from its land holdings. The EKSPDC was looking at providing commercial loans for infrastructure projects that struggled to receive bank funding and there were potential projects in the pipeline.
- (f) That there was a need for more decision-making to be delegated from the Kent Health and Wellbeing Board to the local CCG level boards.
- (g) The recent case of an East Kent man who had been sent to Manchester due to the shortage of mental health patient beds and the need for partner agencies to work together to effectively triage patients at the first point of contact.
- (h) The rising projected deficit of the East Kent Hospitals University Foundation Trust meant that changes to services would have been made. The proposals for these, which would be both financially and clinically driven, were expected to be revealed by September.

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

- (a) To congratulate the Chairman on her first ordinary meeting of the Council following the Annual Meeting in May.
- (b) To welcome the news of the Coastal Community Fund bids while emphasising the need for proper longer term funding for the district.

- (c) To state that he looked forward to hearing the outcomes from the three groups looking at aspects of the regeneration of Dover.
- (d) That the option of a Kent Local Enterprise Partnership, which was the favoured approach of Kent County Council, could result in improved funding opportunities for Dover.
- (e) The need for the Government to find an urgent solution to the transport difficulties affecting Dover and the wider regional implications caused by the longest Operation Stack run to date.
- (f) That the experience of shared authorities elsewhere was that the arrangements broke down over a number of years.
- (g) To express concern over the ramifications for the future of services at Buckland and Deal Hospitals and the funding of improvements in local mental health services following the disturbing news emerging over the East Kent Hospitals University Foundation Trust's finances. In addition, there was anecdotal information to suggest that following the closure of the chemotherapy unit at William Harvey Hospital there were issues with the treatment of some Dover and Deal cancer patients at the Kent and Canterbury Hospital.

The Leader of the Opposition UK Independence Party Group, Councillor A F Richardson, included the following matters in his report:

- (a) That the reality in many areas was the need to bid for grant funding and that local authorities were no different. It was important for the Council to have the expertise to bid, or support others to bid, for grant funding.
- (b) To highlight the wider integration issues raised by any plans for a Kent Local Enterprise Partnership, while expressing support for preserving the historic identity of the county of Kent.
- (c) To express concern over the projected deficit for the East Kent Hospitals University Foundation Trust and the anecdotal patient comments over the pressure on cancer care services.
- (d) To emphasise the immense economic damage and inconvenience caused to local residents by Operation Stack.

In response, the Leader of the Council raised the following matters as part of his right to reply:

- (a) That the Council's funding was being top-sliced to provide the project funding that it had to bid for.
- (b) That the Government was looking at economic rather than historic geographic areas for the Local Enterprise Partnerships (LEP) and that rural West Kent and rural East Sussex faced similar economic challenges despite being in different counties.
- (c) The success of the Coastal Communities Group in the LEP, which had been set-up by Dover, Thanet and Hastings Councils.

(d) That while Operation Stack highlighted the transportation issues affecting Dover to a national audience, lorry queues were a daily issue in Dover regardless of whether Operation Stack was in effect or not. While the introduction of variable speed limits had been positive from a Dover viewpoint, there were still pressures on the A2 and problems caused by blocked roundabouts.

(e) The impact of reductions in Kent County Council's public health service.

25 SEAT ALLOCATION AND GROUP APPOINTMENTS

The Group Leaders advised that there were no seat allocations or group appointments.

26 QUESTIONS FROM THE PUBLIC

In accordance with Rule 11 of the Council Procedure Rules, Mr Peter Jull gave notice of his intention to ask the following question of a Member of the Cabinet:

"Will this council consult on a Public Spaces Protection Order to make the feeding of birds in Deal town centre an offence subject to a fixed penalty notice in line with littering and dog fouling, as permitted by the Anti-Social Behaviour Act 2014?"

In response, the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, advised that the Council's Environmental Protection Team were liaising with Deal Town Council on the issue of birds in the town centre although there were currently no plans to consult on a Public Spaces Protection Order to make the feeding of birds an offence. The introduction of an Order was only one of a number of ways to address the issue of feral bird populations and for an order to be made the Council needed to satisfy itself that a number of grounds were fulfilled.

In accordance with Council Procedure Rule 11.8, Mr Jull put a supplementary question to the Portfolio Holder for Property Management and Public Health asking how many times Civil Enforcement Officers had advised members of the public not to feed feral birds. In response, Councillor T J Bartlett stated that a written answer to the question would be provided.

27 QUESTIONS FROM MEMBERS

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

(1) Councillor A F Richardson asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

"Earlier this year it was reported that an individual received a formal caution after being caught on camera dumping a number of bags of waste in the River Dour. I understand this person was identified following a publicity campaign by the Dover Express.

Does the cabinet member for Environment, Waste and Planning think that a caution was an appropriate response to such a blatant and high profile case of fly tipping?

Does he accept that in fact this was widely seen as a 'slap on the wrist' which completely failed to act as a deterrent to would-be fly tippers across the District?

What assurances can he give that in future cases where fly-tippers are positively identified, a much more robust approach to dealing with them will be adopted?"

In response, Councillor N S Kenton advised that fly tipping legislation allowed for local authorities to prosecute, issue a formal caution or take no further action. Although it was inappropriate to discuss individual cases, when deciding the appropriate course of action consideration was given to the Council's Environmental Enforcement Policy and the Code for Crown Prosecutors. The Council would prosecute fly-tippers where it was appropriate and in the public interest to do so.

In accordance with Council Procedure Rule 12.5, Councillor A F Richardson exercised his right to ask one supplementary question.

- (2) Councillor P Walker asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

"It is more than a year since I first referred in this Chamber to there having been over 50 separate conditions set down in relation to planning applications submitted to, and agreed by, this Council for Lydden Racing Circuit. Could the Portfolio Holder for Environment, Waste and Planning outline the progress made in checking upon the implementation of the said conditions and upon how any failures in implementation have been dealt with?"

In response, Councillor N S Kenton advised that complaints had been received on a wide range of issues relating to the operation of Lydden Racing Circuit and that a systemic review of compliance with the planning conditions currently in force was being conducted by planning and environmental health officers. In addition, discussions would be held with the local Action Group over the issues of concern. However, it had been established that the circuit had not exceeded its number of permitted race days.

In accordance with Council Procedure Rule 12.5, Councillor P Walker exercised his right to ask one supplementary question.

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

"It is now several years since this Council sold off the former Regent Cinema building and, despite questions in full council, nothing appears to have happened to the building. Will the Portfolio Holder for Environment, Waste and Planning tell the Council when he expects the owners of the building to submit a planning application relating to this site which is so important to Deal's seafront?"

In response, Councillor N S Kenton advised that the owners were discussing proposals with the Council's planning department for the cinema and it was

anticipated that a full planning application would follow once a deliverable scheme had been developed.

In accordance with Council Procedure Rule 12.5, Councillor P J Hawkins exercised her right to ask one supplementary question.

- (4) Councillor P M Brivio asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being inform the Council of the costs of providing temporary accommodation in financial year 2014/15 for those people towards whom the Council has a statutory duty and can she confirm whether this is an increase on the costs incurred during 2013/14?”

In response, Councillor P M Beresford advised that the net cost to the Council of Bed and Breakfast accommodation, after the payment of Housing Benefit, was £141,250 in 2013/14 and £199,325 in 2014/15.

In accordance with Council Procedure Rule 12.5, Councillor P M Beresford exercised her right to ask one supplementary question.

- (5) Councillor S Hill asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being advise the Council what view Cabinet has taken on the Government's plans to extend Right-to-Buy to Housing Association tenants?”

In response, Councillor P M Beresford stated that the Cabinet had not taken a view as the detailed operation of the policy had not yet been published by the Government.

In accordance with Council Procedure Rule 12.5, Councillor S Hill exercised her right to ask one supplementary question.

- (6) Councillor M R Eddy asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“During this May's election campaign for Deal Town Council, the Conservative Party issued a leaflet claiming that, from next year, they would initiate annual popular elections for the Mayor of Deal with the candidates being taken from among the elected town councillors. Can the Portfolio Holder for Corporate Resources and Performance inform the Council what the costs of such a Deal-wide plebiscite would be and what additional workload these annual elections would create for this Council's staff?”

In response, the Chairman of the Council advised that she would answer the question as it related to a non-executive function. Councillor S S Chandler suggested that Councillor Eddy contact Deal Town Council as Dover District Council had not been approached in relation to this proposal and therefore had no knowledge of the method of election proposed.

In accordance with Council Procedure Rule 12.5, Councillor M R Eddy exercised his right to ask one supplementary question.

- (7) Councillor P Walker asked the Portfolio Holder for Skills, Training, Tourism, Voluntary Services and Community Safety, Councillor K E Morris:

“Tourism is a service which had a listed spend of £42,000 according to recent figures. Does the Portfolio Holder with responsibility for tourism regard this as sufficient, given that tourism provision needs expansion and further encouragement in order to enhance our regeneration efforts?”

In response, Councillor K E Morris advised that he was closely monitoring the budget to ensure that the allocation was used to best effect in support of the Council's role as a strategic enabler as opposed to a major provider of the service. The Council was working with partners to maximise the impact of its expenditure through joint working and promotion.

In accordance with Council Procedure Rule 12.5, Councillor P Walker exercised his right to ask one supplementary question.

- (8) Councillor P M Wallace asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“What consideration has the Portfolio Holder for Housing, Health and Well-being given to the question of whether the authority should introduce a Cumulative Impact Policy covering the number of licensed premises now that public health is a local authority responsibility and Dover has its own Health and Well-being Board?”

In response, Councillor N J Collor stated that he would answer the question as it fell with the responsibilities of his Portfolio. He advised that Cumulative Impact Policies were a tool of last resort to be used where a specific area was saturated with a particular type of licensed premises and that there was clear evidence linking those premises to disorder and/or public nuisance. Following discussions with the Head of Regulatory Services, there was no evidence to support a need for the Council, in its role as the Licensing Authority, to adopt a Cumulative Impact Policy anywhere in the district.

In accordance with Council Procedure Rule 12.5, Councillor P M Wallace exercised his right to ask one supplementary question.

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

“Will the Portfolio Holder for Environment, Waste and Planning tell the Council what action our officers are taking to ensure that the nuisance suffered by existing residents living in the area affected by Persimmon's development at Sholden are kept at the absolute minimum?”

In response, Councillor N S Kenton advised that Environmental Health had issued an Abatement Notice in respect of dust created by the development and were now satisfied that the developer was now taking all reasonable steps to suppress dust with bowsters. In respect of the route taken by construction traffic it had been concluded that the route being taken was the best available.

In accordance with Council Procedure Rule 12.5, Councillor P J Hawkins exercised her right to ask one supplementary question.

28 MOTIONS

- (1) In accordance with Council Procedure Rule 13, Councillor T P Johnstone gave notice of his intention to move the following Motion:

“This Council requests that the Leader writes to the Prime Minister to ascertain the terms of his negotiations with the other member states of the European Union so that residents and businesses within this District, geographically the closest to the European mainland, are fully aware of what is at stake in the proposed referendum on continued membership.”

The Motion was duly seconded.

On being put to the vote, the Motion was LOST.

- (2) In accordance with Council Procedure Rule 13, Councillor P M Wallace gave notice of his intention to move the following Motion:

“Following the recent spate of highly publicised fly-tipping in Dover District, this council will lobby the Department for Environment, Food & Rural Affairs for more powers to tackle fly-tipping specifically seeking

- (1) The powers that are currently available in Scotland to hand out on-the-spot fines for fly-tipping, removing the need to seek a prosecution through the Magistrates' Courts;
- (2) The income from any fines to stay in the area to help pay for the cost of cleaning up fly-tipping and enforcement; and
- (3) To tackle the culture of fly-tipping through restorative justice, by making it compulsory for offenders to spend a set number of hours in a supervised clean-up in the district, so offenders learn about the damaging effects of spoiling the environment.”

The Motion was duly seconded.

On being put to the vote, the Motion was CARRIED.

RESOLVED: That following the recent spate of highly publicised fly-tipping in Dover District, this council will lobby the Department for Environment, Food & Rural Affairs for more powers to tackle fly-tipping specifically seeking

- (1) The powers that are currently available in Scotland to hand out on-the-spot fines for fly-tipping, removing the need to seek a prosecution through the Magistrates' Courts;
- (2) The income from any fines to stay in the area to help pay for the cost of cleaning up fly-tipping and enforcement; and

- (3) To tackle the culture of fly-tipping through restorative justice, by making it compulsory for offenders to spend a set number of hours in a supervised clean-up in the district, so offenders learn about the damaging effects of spoiling the environment.

29 KENT AND MEDWAY LOCAL ENTERPRISE PARTNERSHIP AND KENT AND MEDWAY GROWTH AND INFRASTRUCTURE FRAMEWORK

The Head of Inward Investment presented the report on the Kent and Medway Local Enterprise Partnership and the Kent and Medway Growth and Infrastructure Framework.

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

RESOLVED: That the report and the likely future engagement be noted.

30 REVISION TO CONTRACT STANDING ORDERS

The Director of Governance presented the report on the Revision to Contract Standing Orders.

In response to a question from Councillor L A Keen as to the accuracy of the information displayed on the website in respect of contracts awarded to Dover based companies, Councillor P G Heath in his role as Chairman of the Governance Committee, agreed to add this matter to the agenda of the next meeting of the Committee.

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

RESOLVED: That the Council, acting on the recommendation of the Governance Committee and the Monitoring Officer, agreed to adopt the revised Contract Standing Orders as appended to the report.

31 POLICY FOR LONG SERVICE AWARDS TO ELECTED MEMBERS OF DOVER DISTRICT COUNCIL

The Director of Governance introduced the report on creating a Policy for Long Service Awards to Elected Members of Dover District Council.

It was moved by Councillor M D Conolly, duly seconded and

RESOLVED: (a) That the Policy for Long Service Awards to Elected Members of Dover District Council, as set out in Appendix 1 of the report, be adopted.

(b) That the Council records its appreciation of the Long Service of the following Elected Members:

- (i) Councillor T J Bartlett for 20 Years of Continuous Service
- (ii) Councillor B W Butcher for 20 Years of Continuous Service
- (iii) Councillor P G Heath for 24 Years of Continuous Service

- (iv) Councillor K Mills for 24 Years of Continuous Service
- (v) Councillor F J W Scales for 20 Years of Continuous Service
- (vi) Councillor P A Watkins for 28 Years of Non-Continuous Service

- (c) That the Head of Democratic Services be requested to make the necessary arrangements for Long Service Awards to be presented to the meeting of the Council held on 30 September 2015:

32 CONSULTATION UNDER THE LICENSING ACT 2003 - STATEMENT OF POLICY AND PRINCIPLES

The Director of Governance introduced the report on the Consultation under the Licensing Act 2003 – Statement of Policy and Principles.

It was moved by Councillor B Gardner, duly seconded and:

- RESOLVED:
- (a) That the draft Statement of Licensing Policy be approved and a period of formal consultation from 27 July 2015 until 19 October 2015 be authorised in accordance with the statutory requirements.
 - (b) That the results of the consultation be reported to a special meeting of the Licensing Committee to be held in mid-November 2015.
 - (c) That the Licensing Committee consider the results of the consultation and the Statement of Licensing Policy and make recommendations and comments to Council.
 - (d) That Council at its meeting on 25 November 2015 consider the recommendations and comments of the Licensing Committee in discharging its responsibility for the determination of the Statement of Licensing Policy.

33 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.27 pm