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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, 20 July 2016 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

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

Officers: Chief Executive
Director of Governance
Head of Democratic Services
Head of Finance
Team Leader – Democratic Support

20 APOLOGIES

Apologies for absence were received from Councillors R J Frost, J M Heron, L A Keen, K Mills and D P Murphy.

21 MINUTES

The Minutes of the meetings held on 18 May 2016 were approved as a correct record and signed by the Chairman.

22 DECLARATIONS OF INTEREST

The following declarations of interest were made during the meeting:

<u>Name</u>	<u>Interest</u>	<u>Minute No.</u>
Councillor S F Bannister	Other Significant Interest	28(3)
Councillor T A Bond	Other Significant Interest	28(3)
Councillor P I Carter	Other Significant Interest	28(3)
Councillor S S Chandler	Other Significant Interest	28(3)
Councillor N J Collor	Other Significant Interest	28(3)
Councillor A Friend	Other Significant Interest	28(3)
Councillor S Hill	Other Significant Interest	28(3)
Councillor K E Morris	Other Significant Interest	28(3)

ANNOUNCEMENTS

The Chairman of the Council made the following announcements:

(a) Death of Former District Councillor R J Thompson

The Chairman announced the sad news of the death of former Councillor R J Thompson. He had served on the Council from 27 September 2007 until May 2015 representing the Aylesham Ward. He had also been a member and the Chairman of Aylesham Parish Council.

(b) Death of Former District Councillor B R Cope

The Chairman also announced the sad news of the death of former Councillor B R Cope. He had served on the Council from May 1987 until May 1995 representing the Castle Ward. He had also been a Kent County Councillor for the Dover West Division.

(c) Death of Former District Councillor R R Chesterfield

The Chairman also announced the sad news of the death of former Councillor R R Chesterfield. He had served on the Council from May 1973 until May 1995 representing the Sandwich Ward. He had served as Vice-Chairman of the Council from 1979 – 1980 and as Chairman of the Council from 1992 – 1993 and 1993 – 1994. He had also been the last Borough Mayor of Sandwich from 1972 – 1974 and twice Mayor of Sandwich Town Council from 1985 – 1987.

(d) Death of Former District Councillor M B Trussler

The Chairman also announced the sad news of the death of former Councillor M B Trussler. He had served on the Council from May 1999 until May 2003 representing the Sandwich Ward. He had also been a Sandwich Town Councillor since 1997 and Mayor of Sandwich on 5 occasions.

The Chairman called upon the three group leaders to speak and they paid tribute to the service and character of the four former councillors. Councillor B Gardner also spoke about former Councillor M B Trussler.

(e) Death of Jo Cox MP

The Chairman informed Members of the recent tragic murder of Jo Cox, MP for Batley and Spen and the much quoted phrase in her maiden speech to Parliament that “there is more that unites us than divides us”.

(f) Incidents of Extreme Violence

The Chairman reminded Members of a number of incidents of extreme violence that had occurred around the world in recent weeks and expressed sympathy for all those that had been affected.

The Council stood in silence as a mark of respect.

LEADER'S TIME

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

- (a) His recent attendance at the Local Government Association Conference with Councillor M R Eddy and Councillor K E Morris, who was currently on an LGA scholarship. The issues of devolution, housing and healthcare were key themes of the conference.
- (b) The implications of BREXIT (the BRitish EXIT from the European Union) for local government and the opportunity for the repatriation of powers from Europe to local rather than national government.
- (c) The legal proceedings relating to Farthingloe and the Western Heights. Following the ruling against the Judicial Review brought by the Campaign to Protect Rural England (CPRE), an accelerated hearing would be held to consider the CPRE's appeal.
- (d) A visit by the Chairman of English Heritage to the Western Heights.
- (e) The surprise news that the residual land at Buckland Hospital had been put up for sale. The sale had been withdrawn following protests as it was supposed to be earmarked for future step up/step down beds, a GP practice or a dementia village. There was also a shortage of care beds which needed to be addressed and the land could potentially be used for that.
- (f) The Kent Health and Wellbeing Board had been tasked by Health England to look at the problems being experienced by hospitals in discharging patients to care beds and with tackling hospital deficits. An integrated care system for health and social care was required to deal with this.
- (g) The future of the South Kent Coast Health and Wellbeing Board. There was work underway to support a change in its scope so that it became an integrated commissioning group.
- (h) That new legislation would allow the Home Office to force other authorities to accept the redistribution of unaccompanied minors that were currently being looked after by Kent County Council as the responsible authority. The Leader and the Chief Executive were representing the authority on regional groups in respect of this.
- (i) The need for a fairer dispersal of refugees nationally. Members were reminded that the Council had volunteered to take its share of Syrian refugees.
- (j) That proposals for improvements to the Duke of York Roundabout had been accepted for the Local Growth Fund but there was a need to ensure that it had national route recognition.
- (k) To welcome the news of the Kearsney Parks Heritage Lottery Award.

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

- (a) That it had been evident at the Local Government Association Conference that local government devolution was in disarray following the BREXIT decision. There were opportunities for local government to take on extra powers as long as they were properly funded.
- (b) To welcome the news that English Heritage was working with the Western Heights Preservation Society.
- (c) To welcome the news on the withdrawal of the sale of land at Buckland Hospital and to emphasise that the chronic shortage of nursing home beds needed tackling. Hospital Trust deficits were partially due to the impact of top down reorganisations.
- (d) That the integration of health and social care should not be done through privatisation.
- (e) That there was a need for other authorities to take their share of unaccompanied minors.
- (f) That while the news of the Duke of York Roundabout being accepted by the Local Growth Fund was to be welcomed and was urgently needed, the project was only 17th on the list.
- (g) To express concern that Dover District Council had not made any objections to the extraction of sand at Goodwin Sands.

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

- (a) That following the BREXIT decision it was important for Dover to maintain a strong relationship with Calais.
- (b) To welcome the Kearsney Parks Heritage Lottery Award and the news that English Heritage would be working with the Western Heights Preservation Society.
- (c) To express concern over problems with engaging Operation Stack and in particular the need to remove the 40mph speed limit in place under Traffic Assessment Project.
- (d) To raise serious concerns about the impact of proposed dredging works on the Goodwin Sands.
- (e) That he had welcomed a group of refugees to an archaeological dig at Folkestone.

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

- (a) That it was not for Dover District Council to provide the scientific evidence in respect of the Goodwin Sands dredging as it was a matter for the Marine Management Organisation (MMO) to determine.

There were no changes to the seat allocations or group appointments.

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QUESTIONS FROM THE PUBLIC

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

“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?”

In response, the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, advised that officers had been visiting/monitoring a number of licensed premises and events including the Mind Festival at Chilli Farm which was licensed under a Temporary Event Notice to provide amplified music until midnight. Officers had been based at Coldred where the nearest noise sensitive properties to the event were located but it was believed that due to weather conditions the noise was actually a problem further away in Lydden rather than Coldred. Following the investigation of a complaint

in Lydden, officers visited the organisers of the Mind Festival and the music was turned off shortly after midnight.

In respect of Lydden Race Circuit, the Council had received 8 out of hour noise complaints since the serving of a noise abatement notice on 24 May 2012. Of the 8 calls, 6 did not warrant a visit from officers as the noise level had been reduced or the complainant did not feel a visit was warranted. Of the remaining 2 calls, in 1 instance the noise level was found to be insufficient to warrant a breach of the notice. In the other instance, on 23 May 2015, whilst the noise was sufficient to warrant a breach of the notice it ceased during a visit to the affected property by officers. The Council did subsequently write to the circuit to remind it of its responsibilities.

Residents were urged to report any instances where loud music was audible in their home or gardens to the council's out-of-hours service and if repeated breaches of the notice were witnessed, enforcement action would be taken.

For her supplementary question, Ms James expressed concerns that the out-of-hours service was not responsive enough and Councillor T J Bartlett agreed to look into the matter further and follow it up with Ms James outside of the meeting.

27 QUESTIONS FROM MEMBERS

In accordance with Rule 12(1) of the Council Procedure Rules, Chairmen of Committees responded to the following questions:

- (1) In the absence of the Chairman of the Scrutiny (Policy and Performance) Committee, Councillor K Mills, the Chairman of the Council advised that the question would not be put.

In accordance with Rule 12(1) of the Council Procedure Rules, Members of the Cabinet responded to the following questions:

- (2) Councillor P J Hawkins asked 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?”

In response, the Portfolio Holder for Environment, Waste and Planning advised that any further proposals for housing development in the area would be beyond that allocated and tested in the Council's Core Strategy and Land Allocations Local Plan and would therefore have to clearly demonstrate a case for approval, including whether or not there was sufficient infrastructure to support further development, as a departure from the Local Plan.

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

- (3) Councillor S F Bannister asked 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?”

In response, the Portfolio Holder for Property Management and Public Protection stated that the need for comprehensive consultation with both stakeholders and the general public had been recognised in developing the indoor facilities strategy and plans to replace Dover Leisure Centre. As a consequence the list of stakeholders and consultees for the new leisure centre project had been expanded, a number of organised consultation events were being held and the consultation was being widely publicised through flyers/posters, local newspaper adverts, the council’s website and social media.

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

- (4) Councillor D A Sargent asked 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?”

In response, the Leader of the Council referred the questioner to the motion on the same subject latter in the agenda. He advised that the Community Safety Unit was working closely with Kent Police and the PREVENT sub-committee was holding monthly meetings.

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

- (5) Councillor S J Jones asked 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?”

In response, the Portfolio Holder for Corporate Resources and Performance stated that the £185,000 had been identified in the approved Medium Term Financial Plan 2016/17 for Corporate Property Maintenance to be drawn down to supplement revenue budgets as works were identified and budgeted expenditure confirmed. Projects concerning the recovering of certain areas of the roof at the Whitfield Offices to prevent further damage to

the interiors and refurbishing the kitchens and toilets within the offices in response to regular failures in plumbing and pipe works.

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

- (6) Councillor B Gardner asked 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?”

In response, the Portfolio Holder advised that the Law Society had introduced a new CON29 form for use by Conveyancers when obtaining information from the Local Authority in relation to Local Land Charges. The compilation of the answers to the new CON29 questions was a much larger project than initially appeared and required consultation with partners (Kent County Council, Water Authority and the Environment Agency) to identify which organisations held the information and software changes to systems used in compiling the information required by the new CON29 form. The required changes were made by 16 June 2016 but due to the EU Referendum the following week, the Democratic Services team were not able to be implemented until the following week and call-in was suspended in order to ensure the required measures were in place by 4 July 2016 thereby avoiding a loss of income.

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

28 MOTIONS

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

"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."

The Motion was duly seconded by Councillor A F Richardson.

An AMENDMENT was moved by Councillor M R Eddy and duly seconded by Councillor P M Brivio as followed:

“This council calls upon the Portfolio Holder for Access and Licensing to raise with Kent County Council yet again the need for additional traffic calming measures in Barton Road and Frith Road.”

In accordance with Council Procedure Rule 15.7, Councillor B J Glayzer with the consent of his seconder and the meeting agreed to accept the Amendment.

The Portfolio Holder for Access and Licensing, Councillor N J Collor, indicated to the meeting that while he would be prepared to raise this matter with Kent County Council there was a role for County Councillors in taking up such matters with Kent Highways.

On being put to the meeting, the Substantive Motion was CARRIED and it was:

RESOLVED: This council calls upon the Portfolio Holder for Access and Licensing to raise with Kent County Council yet again the need for additional traffic calming measures in Barton Road and Frith Road.

(2) In accordance with Council Procedure Rule 13, Councillor A F Richardson gave notice of his intention to move the following Motion:

“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.”

The Motion was duly seconded by Councillor T A Bond.

Members discussed the importance of tackling all racism, including anti-Semitism, and not allowing hate to become acceptable in any form.

On being put to the meeting, the Motion was CARRIED and it was:

RESOLVED: 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.

Prior to the commencement of the next item of business, the Chairman asked the Director of Governance to provide guidance on how provisions of the Code of Conduct might be engaged for Members either directly affected by the Motion or those indirectly affected through an associated person affected by the Motion.

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

“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.”

The Motion was duly seconded by Councillor P J Hawkins.

On being put to the meeting, the Motion was CARRIED and it was:

RESOLVED: 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.

(The Vice-Chairman was in the Chair for this item of business in the absence of the Chairman.)

(Councillor S F Bannister declared an Other Significant Interest (OSI) in this item by reason of his wife being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor T A Bond declared an Other Significant Interest (OSI) in this item by reason of his wife being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor P I Carter declared an Other Significant Interest (OSI) in this item by reason of a family member being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor S S Chandler declared an Other Significant Interest (OSI) in this item by reason of being directly affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor N J Collor declared an Other Significant Interest (OSI) in this item by reason of a family member being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor A Friend declared an Other Significant Interest (OSI) in this item by reason of a close associate being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor S Hill declared an Other Significant Interest (OSI) in this item by reason of being directly affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

(Councillor K E Morris declared an Other Significant Interest (OSI) in this item by reason of a family member being affected by the pension changes and withdrew from the meeting for the consideration of that item of business.)

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

“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.”

The Motion was duly seconded by Councillor M R Eddy.

Councillor P A Watkins proposed that the Chief Executive be requested to update to a future meeting on what is being done to utilise Section 215 notices.

Councillor P Walker, with the consent of his seconder, agreed to accept the proposed update from the Chief Executive.

RESOLVED: That the Chief Executive be requested to provide an update to a future meeting on what the Council was doing to utilise Section 215 notices.

(The Chairman resumed the Chair at the commencement of this item of business.)

- (5) In accordance with Council Procedure Rule 13, Councillor A S Pollitt gave notice of his intention to move the following Motion:

“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.”

The Motion was duly seconded by Councillor P J Hawkins.

Councillor P A Watkins proposed that as the Scrutiny (Policy and Performance) Committee would be receiving a petition on this matter in September 2016, it would be more appropriate to wait for the outcome of that meeting.

Councillor A S Pollitt, with the consent of his seconder, agreed to withdraw his Motion until after the Scrutiny (Policy and Performance) Committee had received the petition in respect of the Regent Cinema.

It was confirmed that he could resubmit his Motion to a future meeting.

RESOLVED: That the Motion be withdrawn to allow the Scrutiny (Policy and Performance) Committee to consider the petition in respect of the Regent Cinema.

29 ESTABLISHMENT OF EAST KENT SERVICES COMMITTEE AND ASSOCIATED ARRANGEMENTS - REVISED DELEGATIONS

The Director of Governance introduced the report on the revised delegations for the East Kent Services Committee.

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

RESOLVED: (a) 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.”

(b) 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).”

30 EXPLORING THE MERGER OF THE FIVE EAST KENT DISTRICT COUNCILS

The report was introduced by Councillor P A Watkins.

Following a question from Councillor M R Eddy the Leader of the Council provided assurance that as part of the preparation of a business case all options would be examined and regular updates be provided to the Council.

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

RESOLVED: (a) That £20,000 funding from general reserves be provided to support the preparation of a business case.

(b) 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.

31 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.29 pm