

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday 26 September 2012 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	B W Bano	T J Bartlett
P M Beresford	T A Bond	P M Brivio
B W Butcher	P I Carter	S S Chandler
N J Collor	M D Conolly	G Cowan
J A Cronk	M R Eddy	B Gardner
J H Goodwin	P J Hawkins	P G Heath
G J Hood	S J Jones	L A Keen
P S Le Chevalier	S M Le Chevalier	G Lymer
S C Manion	K Mills	K E Morris
M J Ovenden	A S Pollitt	J A Rook
M A Russell	F J W Scales	A R Smith
C J Smith	J M Smith	R J Thompson
P Walker	P A Watkins	

Officers: Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Team Leader – Democratic Support
Democratic Support Officer

214 APOLOGIES

Apologies for absence were received from Councillors R J Frost, D Hannent, N S Kenton, D G Smallwood, J F Tranter and R S Walkden.

215 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

216 MINUTES

The Minutes of the meeting held on 25 July 2012 were approved as a correct record and signed by the Chairman, subject to the addition of Councillor P S Le Chevalier to the list of Members present at the meeting.

217 ANNOUNCEMENTS

There were no announcements.

218 LEADER'S TIME

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

- (a) That the Aylesham project had been placed at the top of the reserve list for the Growing Places Fund and would be included in the list of agreed projects should any of the current projects be unable to proceed.
- (b) That an analysis of airport space in South East England had found that there was a shortfall in provision. The main issue was where the extra capacity could be provided from.
- (c) The districts road improvement programme were high on the Local Enterprise Partnership's (LEP) priority list but it was unclear where the funding to deliver these schemes would come from.
- (d) The LEP had produced a good report in respect of the challenges facing coastal communities and it was looking at how this could be developed to access funding streams such as Interreg and the European Reconstruction and Development Fund (ERDF).
- (e) That a meeting of the Pfizer Task Force had been called following recent developments. The site had now been sold and it was expected that a draft Local Development Order would be ready for December 2012. In addition a four minute video promoting the site had been produced.
- (f) That in advance of the Health and Wellbeing Board's launch in April 2013, a decision had been taken to fund two pilot projects relating to Pharmacies and Youth nutrition.
- (g) To express his concern that no planning application had been received for the Buckland Hospital site yet.
- (h) To state that any proposals to close the A&E unit at the Queen Elizabeth the Queen Mother Hospital in Margate would be unacceptable.
- (i) That the Locality Board had discussed the need for better co-ordination and integration for the local Children's Trust Board and Dover Adult Strategic Partnership.

The Leader of the Opposition, Councillor G Cowan, included the following matters in his report:

- (a) To express his concern that the Local Enterprise Partnership was too big and wide to be effective.
- (b) To welcome the proposed meeting of the Pfizer Task Force as he had concerns that it had ceased meeting prematurely.
- (c) That he felt the local MP for Dover had been responsible for delaying the decision to proceed with redevelopment of the Buckland site by insisting that alternative sites be examined by the Primary Care Trust before proceeding.
- (d) To welcome the proposals for a Deal Youth Hub and remind the Council of the need to support local groups in Aylesham in achieving the best available option for there as well.
- (e) To express his concern over the recent Planning Committee meeting held on 20 September 2012 to consider the Phase 1 and Phase 1a applications for

Whitfield on the grounds that it had previously been considered in July 2012. He stated that he did not agree with the views of the developer that the Planning Committee had misdirected itself in respect of the decisions reached at the July 2012 meeting. He called for greater consultation with the opposition group spokesperson on the Planning Committee.

The Leader of the Council responded to points raised by the Leader of the Opposition Group in his report as followed:

- (a) That the Council's own Scrutiny Committee had favoured a site other than Buckland as its first choice for the new health facility.
- (b) That the new Deal Youth Hub offered a better site with improved facilities in comparison with the existing facility at Linwood.
- (c) That Phase 1 of the Whitfield development had been deferred in July 2012 and the report to the meeting of the Planning Committee held on 20 September 2012 resolved some of the outstanding matters that had led to its deferral in July.

219 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes to seat allocation or group appointments.

220 LOCAL GOVERNMENT OMBUDSMAN REPORT

The Deputy Leader and Portfolio Holder for Housing, Community and Youth, Councillor S S Chandler, introduced the report to the Committee.

It was moved by Councillor S S Chandler and duly seconded that

- (a) That the report, findings and all of the remedies of the Local Government Ombudsman as outlined in her report at Appendix 1 be accepted.
- (b) That the recommendations of the Ombudsman as remedy be noted as followed:
 - (i) That a letter of apology be sent to the complainant together with £5,050 compensation; and
 - (ii) That an audit of procedures for dealing with homelessness applications from young people between the ages of 16 to 21 be undertaken to ensure that officers were fully aware of the Council's responsibilities under relevant legislation and the joint protocol for homeless young people.
- (c) That a payment of £5,050 to remedy the injustice be approved.

An amendment was moved by Councillor M R Eddy, and duly seconded, that recommendation (c) of the motion be altered as followed:

- "(c) That a payment of £5,050 be approved as required by the Local Government Ombudsman to remedy the injustice."

On being put to the vote the amendment was LOST.

An amendment was moved by Councillor B W Bano, and duly seconded as followed:

- (d) That the procedures be regularly reviewed jointly with Kent County Council and the outcome of the review be reported to Council.

On being put to the vote the amendment was LOST.

In the absence of any further amendments, it was put to the vote and

- RESOLVED:
- (a) That the report, findings and all of the remedies of the Local Government Ombudsman as outlined in her report at Appendix 1 be accepted.
 - (b) That the recommendations of the Ombudsman as remedy be noted as followed:
 - (i) That a letter of apology be sent to the complainant together with £5,050 compensation; and
 - (ii) That an audit of procedures for dealing with homelessness applications from young people between the ages of 16 to 21 be undertaken to ensure that officers were fully aware of the Council's responsibilities under relevant legislation and the joint protocol for homeless young people.
 - (c) That a payment of £5,050 to remedy the injustice be approved.

221 LOCALISM ACT 2011 – ADOPTION OF A NEW CODE OF CONDUCT FOR MEMBERS AND ASSOCIATED ARRANGEMENTS

The Director of Governance presented the report to the Committee for its consideration.

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That Council approve the revised Terms of Reference for the Standards Committee.

222 APPOINTMENT OF EAST KENT JOINT INDEPENDENT REMUNERATION PANEL MEMBER

The Director of Governance presented the report to the Committee for its consideration.

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That Mr W Ferrier be appointed as one of the Council's two representatives on the East Kent Joint Independent Remuneration Panel.

223 COUNCILLOR DIANE SMALLWOOD

Councillor G Cowan requested that the Council give consideration to granting Councillor D G Smallwood a leave of absence until 31 March 2013 on the grounds that her continuing ill health was preventing her from attending meetings.

It was moved by Councillor G Cowan, duly seconded and

- RESOLVED: (a) That Councillor D G Smallwood be granted a leave of absence until 31 March 2013.
- (b) That the Chairman of the Council write a letter to Councillor D G Smallwood sending the best wishes of all Members.

224 QUESTIONS FROM MEMBERS

In accordance with Rule 12 of the Council Procedure Rules, the Chairman of the Planning Committee, Councillor F J W Scales, responded to the following question:

- (a) Councillor B Gardner asked if the Chairman of Planning welcomed the government's relaxation on planning regulations on housing extensions.

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

- (b) Councillor L A Keen asked the Leader of the Council, Councillor P A Watkins, to explain why the Locality Board minutes for the meeting held on 18 June 2012 took nearly three months to be published given the importance of the matters considered by the Board to local communities.

Councillor P A Watkins stated that the delay had been caused by waiting for responses from officer attending the meeting from outside authorities.

- (c) Councillor S J Jones asked the Leader of the Council, in the absence of the Portfolio Holder for Environment, Waste and Planning, to explain what support would be made available for those households eligible for assisted collections to have their bins cleaned annually at no cost to them.

Councillor P A Watkins stated that the responsibility for cleansing bins and containers used for recycling and waste collection rested with individual householders still as it had previously and that the Council had no plans to change this arrangement for those households eligible for assisted collections.

- (d) Councillor B W Bano asked the Portfolio Holder for Health, Well-Being and Public Protection, Councillor P G Heath, to advise what response he had made to the recent consultation on the future of Older Peoples Mental Health Services by the Kent Partnership.

Councillor P G Heath stated that although he had not made an individual response to the recent consultation he personally opposed any reduction in Older Peoples Mental Health Services.

- (e) Councillor P M Brivio asked the Portfolio Holder for Community, Housing and Youth, Councillor S S Chandler, to predict the number of affordable housing units likely to be built in the District by 2020.

Councillor S S Chandler stated that the Council's current planning policy expected 4,200 affordable homes based on housing growth of 14,000 during the period 2010-2026.

- (f) Councillor B W Bano asked the Portfolio Holder for Access and Property Management, Councillor N J Collor, to conduct an audit of the provision of dog bins in the Mill Hill Ward to inform future plans for the provision of bins.

Councillor N J Collor advised that he was happy to accept Councillor B W Bano's request as part of the upcoming review of bins across the District.

- (g) Councillor P M Brivio asked the Leader of the Council to provide a clear statement on the Council's policy on "fracking".

Councillor P A Watkins stated that while the Council had no formal policy on 'fracking' the Cabinet had stated as part of its response to the consultation on the Kent Minerals and Waste Core Strategy that it expected the local planning authority to be fully consulted in the event that proposals for fracking were to be made in respect of the district.

225 DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS

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

RESOLVED: That the following items be received and noted:

- U03 Data Co-operation Agreement for Local Land and Property Gazetteer (LLPG)
- U04 Grant Agreement relating to the Kent Employment Programme
- U05 Council Tax Benefit Localisation – Consultation
- U06 Proposal to Fields in Trust regarding protection of Lancaster Avenue playing field, Capel-le-Ferne
- U07 Memorandum of Agreement between Dover District Council and Kent County Council to fund Green Infrastructure Activities related to Local Plan work in East Kent

226 MOTIONS

Councillor M R Eddy gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following motion:

"This Council agrees that the residents of the district face financial pressure and notes that the Council Tax Freeze was not pursued in

this year's budget. With this in mind the Cabinet is asked to hold a public referendum if there are any proposals to increase Council Tax for 2013/14 by over 3 per cent."

The Director of Governance advised the Council that the motion as currently worded was not valid by reason of the action requested being a Cabinet function. The proposer agreed to amend the Motion in light of this advice.

On being put to the vote the Motion was LOST.

It was requisitioned by Councillor M R Eddy, and duly supported by six Members in accordance with Council Procedure Rule 18.4, that the manner of voting in respect of the motion be recorded:

FOR

B W Bano
P M Brivio
G Cowan
J A Cronk
M R Eddy
B Gardner
J H Goodwin
P J Hawkins
G J Hood
S J Jones
L A Keen
K Mills
A S Pollitt
A R Smith
J M Smith
R J Thompson
P Walker

AGAINST

J S Back
T J Bartlett
P M Beresford
T A Bond
B W Butcher
P I Carter
S S Chandler
N J Collor
M D Conolly
P G Heath
P S Le Chevalier
S M Le Chevalier
G Lymer
S C Manion
K E Morris
S R Nicholas
M J Ovenden
J A Rook
M A Russell
F J W Scales
C J Smith
P A Watkins

227 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P S Le Chevalier, 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 item to be considered involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act.

228 DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That the following items be received and noted:

L01 Development contributions arising from planning applications DOV/10/01010 and DOV/10/01011 for phases 1 and 1A of the Whitfield urban expansion

SCI01 Agreement to surrender the lease for the first and second floors of Centurion House, Bench Street, Dover

The meeting ended at 7.40 pm.