

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday 8 December 2010 at 5.30 pm.

Present:

Chairman: Councillor B W Butcher

Councillors:

B W Bano	T A Bond	N J Collor
M D Conolly	G Cowan	M R Eddy
A Friend	J H Goodwin	P G Heath
L A Keen	N S Kenton	C E Kirby
P S Le Chevalier	S M Le Chevalier	S G Leith
D R Lloyd-Jones	P A Lodge	S C Manion
D A Mayes	C J Meredith	S R Nicholas
J C Record	V J Revell	J A Rook
F J W Scales	D G Smallwood	A R Smith
C J Smith	J M Smith	R J Thompson
J F Tranter	R S Walkden	I H Ward
P A Watkins		

Officers: Chief Executive
Director of Finance and ICT
Solicitor to the Council
Democratic Services Manager
Licensing Manager
Democratic Support Officer

Apologies for absence were received from Councillors T J Bartlett, S S Chandler, C M Edwards, M S Furnival, G J Hood, L A Keen, K Mills and A F Richardson.

323 **MINUTES**

The Minutes of the meeting held on 29 September 2010 and the extraordinary meeting held on 3 November 2010 were approved as correct records and signed by the Chairman.

324 **ANNOUNCEMENTS**

- (a) The Chairman of the Council announced that due to severe weather conditions it had not been possible to hold the meeting on the scheduled date of 1 December 2010.
- (b) The Leader of the Council congratulated Dover Athletic Football Club on its progress to the Third Round of the FA Cup.

325 **LEADER'S TIME**

The Leader of the Council included the following matters in his report:

- (a) The formation of a Local Enterprise Partnership (LEP) covering Essex, Kent and East Sussex and the role of Dover District Council as one of the two East

Kent District Councils represented on its Executive Board. The LEP would be a partnership between local authorities and businesses. The LEP's would need to place bids for funding from the government's regional growth fund for schemes that must be delivered within an allotted timescale.

- (b) A meeting with the Minister of State for Housing and Planning, the Right Honourable Grant Shapps MP, in respect of the redevelopment of the Betteshanger site and the proposals from Hadlow College to open a campus on the site. The scheme was welcomed as innovative by Mr Shapps. The Leader was exploring the possibility of funding.
- (c) The Alliance (formerly the Coalfields Communities Campaign) would be holding a meeting at Dover District Council on Friday 10 December 2010. This presented an opportunity to meet with Professor Fothergill who was an expert on coastal communities' regeneration, a topic which was of importance to the LEP.
- (d) A meeting with the Under-Secretary of State for Transport, Michael Penning, who had come to Dover to meet representatives from the Port of Dover, Ferry Companies, and Dover District Council as part of a fact finding visit concerning proposals for the future of the Port of Dover. As part of this visit wider transportation issues were discussed such as the future of the A2. However, without upgrading the A2 to national road status it was unlikely to obtain funding from central government for improvements.

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

- (a) To congratulate all those involved in the opening of the new promenade at Dover, and in particular Astor College for the Arts.
- (b) To express concerns that the LEP was too big and that by joining three counties together it would be very hard to obtain funding for projects in Dover. He pointed out that this view was shared by the South East's Members of Parliament as well.
- (c) To reiterate his opposition to the East Kent Waste Project as it was currently formed and to express concerns that the level of savings forecast was considerably smaller than that originally expected. In addition, he expressed concerns over the introduction of alternate weekly collections for recyclables which he felt was a reduction in service from the current weekly collection arrangements.
- (d) Concern was expressed that new properties would have to pay for their wheelie bins and that charging would be introduced for nappy collection.
- (e) To state his concerns that despite assurances from Kent County Council, many of the roads and footpaths in the district were impassable in the recent bad weather.
- (f) To join Kent County Council in calling for the return of the Building Schools for the Future fund.

The Minority Opposition Group Leader, Councillor C J Meredith, included the following matters in his report:

- (a) To welcome the Leader of the Council's comments that Hadlow College would be building a facility in the district.
- (b) To state that during the recent bad weather while main roads were cleared and passable, there were problems with side roads and footpaths.
- (c) To state the importance of improvements being made to the A2 in the context of the proposed housing development in Whitfield.
- (d) To welcome the announcement that a new hospital would be built on the site of the existing Buckland Hospital and ask that all groups join together in supporting the construction of a new hospital.
- (e) To express concerns at the announcement by Ofsted that Kent County Council's child protection service was performing poorly. He called upon the Council to lobby Kent County Council for improvements in the service.

The Leader responded to the points raised by the Opposition Group Leaders in their reports with the following:

- (a) That while he shared the disappointment of the Leader of the Major Opposition Group that the LEP's did not have funding allocated to them, he would seek to work with partners to secure funding for projects in the District. He emphasised that the expectation that those funds that did exist would be directed primarily to the north of England was a decision of a Liberal Democrat Minister in the Coalition Government.
- (b) That the savings in the waste contract were better than expected. However, the cost of the street cleansing contract was more than expected.
- (c) That the people of the District had stated their preference for the maintenance of the weekly food collection and had indicated that they were willing to accept alternate weekly collection for recyclables.
- (d) To clarify the position in respect of the provision of wheelie bins for new households by stating that there would be no charge to the householder for their provision.

326 SEAT ALLOCATIONS AND GROUP APPOINTMENTS

No changes were made to the existing allocations and appointments.

327 QUESTION FROM THE PUBLIC

In accordance with Rule 11 of the Council Procedure Rules, the Leader of the Council responded to the following question asked by Mr P Jull:

"Deal Councillors in particular will be aware of the controversy caused by the Deal Maritime and Local History Museum erecting a fence in front of their neighbour's windows. It is essential that this dispute does not prevent the Museum, as one of Deal's more significant tourist attractions, from actually opening to visitors again next season. The governing document registered with the Charities Commission allows for

an observer to be appointed by this Council to the Board of Trustees, an opportunity which does not appear to have been taken up.

Part of the fence has subsequently been replaced by large plastic one-way mirror panels, which being in a conservation area, require planning consent. Despite complaints, no enforcement or other action appears to have been taken.

Allegations that the actions of the Trustees amount to anti-social behaviour have been made to the Community Safety Unit of which this Council is a part. Given the length of time the neighbour has felt too distressed to be able to live in her home because of what the Trustees have done an early response to this complaint is appropriate.

So why has this Council not responded to the complaints of planning breaches, expedited the issue of ASBOs against the Trustees if the CSU consider that is the appropriate action and in particular exercised its right to make an appointment of an observer so that the veracity of the public announcements made by the Trustees can be checked?"

The Leader responded by advising the questioner that the addition of the mirror panels within the fence had been investigated and that they constituted a form of development permitted by legislation and no express consent was needed from Dover District Council for either the fence or the insertion of the panels. Any disagreement over the fence remained a civil dispute.

The Council's Community Safety Unit had considered the issue mentioned in the question but had decided that it was not an appropriate use of the ASBO procedure. This decision had been challenged and was going through the Council's normal complaints procedure.

The Council had not appointed a representative to the Deal Maritime and Local History Museum since 2007 having been advised by the Museum's Secretary that the Board of the Museum at its meeting held in November 2007 had voted against allowing a Council representative to serve on the Board.

Mr Jull asked a supplementary question concerning the circumstances under which the Council would pursue the Museum to protect its grant funding. The Leader of the Council responded by stating that the Council had no formal funding links with the Museum.

(Councillor M R Eddy declared a personal and prejudicial interest by reason of his being a Trustee of the Museum and left the meeting for the consideration of this item.)

(Councillor S M Le Chevalier declared a personal interest by reason of her being a friend of the Museum.)

(Councillor P S Le Chevalier declared a personal interest by reason of being a friend of the Museum and a former Trustee.)

328 EAST KENT WASTE PROJECT

The Council considered the report of the Solicitor to the Council.

It was moved by Councillor N S Kenton, duly seconded and

RESOLVED: That pursuant to the Local Government Act 2000 and the Regulations made under it, the delegation of executive functions from Kent County Council relating to the management of the waste management contract, as detailed in the appendix to Kent County Council – Record of Decision – Decision No 10/01569(b), be accepted.

329 STATEMENT OF POLICIES AND PRINCIPLES UNDER THE LICENSING ACT 2003

The Council considered the report of the Licensing Manager.

It was moved by Councillor N J Collor, duly seconded and

RESOLVED: That the revised Statement of Policy and Principles under the Licensing Act 2003, as set out in Appendix A, be approved to take effect from 7 January 2011.

(Councillor T A Bond declared a personal and prejudicial interest by reason of his employment by licensed premises and left the meeting during consideration of this item.)

330 NEW EXECUTIVE ARRANGEMENTS

The Council considered the report of the Director of Governance.

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

RESOLVED: (a) That the strong Leader and Cabinet model of executive arrangements be adopted to take effect from the third day following the District Council Elections in 2011.

(b) That the Director of Governance brings forward a report on the consequential constitutional changes for approval by the Governance Committee and Council prior to May 2011.

331 RESPONSE TO CONSULTATION – POLICY AND PROCEDURES FOR PRINCIPAL AREA BOUNDARY REVIEWS (PABRs) AND POLICY AND PROCEDURES FOR ELECTORAL REVIEWS

The Council considered the briefing note of the Director of Governance.

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

RESOLVED: That, in view of the delay in holding this meeting, authority be delegated to the Chief Executive in consultation with the Leader of the Council to respond to both consultation papers on behalf of the Council.

332 NOTICE OF AMENDMENT OF THE SCHEME OF DELEGATION TO MEMBERS OF THE EXECUTIVE

The Council received the report of the Monitoring Officer on changes made by the Leader of the Council, Councillor P A Watkins, to the scheme of delegation to members of the Executive in relation to directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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

RESOLVED: That the report and the incorporation of the delegation into the constitution be noted.

333 QUESTIONS FROM MEMBERS

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

- (a) How much progress has been made in retrieving the Council's investment in Landisbanki?
- (b) What progress has been made following the request by Migrant Help for this Council to endorse a local scheme under the United Nations Gateway Protection Scheme?
- (c) What steps is the Portfolio Holder taking to promote the transition network within the towns and villages in the District?
- (d) Can the Leader of the Council inform the Council of the likely fate of the Dover Bronze Age Boat should he proceed with either his proposed closure of the Museum or the conversion of the Museum into a Trust?
- (e) Can the Portfolio Holder for Community, Housing and Youth inform the Council of the response given by this Council to Kent County Council's consultation on the future of the few remaining Council-run old people's homes?
- (f) Council officers have predicted a 19.2% real terms reduction in Government grant in financial year 2011/12. That prediction is based on an inflation rate of 2.5% though inflation is currently running at over 3%. Can the Portfolio Holder for Corporate Resources and Performance inform the Council of what a 19.2% reduction in Government grant represents in the very real terms of lost posts across the Council?
- (g) A number of Kent and Sussex Councils and charities have evidence that London Borough Councils have block booked accommodation following the Coalition Government's proposals to change housing benefit payments. Can the Portfolio Holder for Community, Housing and Youth inform the Council whether there is any similar evidence of block booking of accommodation in order to provide for what the Mayor of London has called the Coalition Government's "ethnic cleansing" of the capital?

Councillor A R Smith requested written copies of the answers to her questions (e) and (g) above.

334 MOTION

It was moved by Councillor M R Eddy and duly seconded that

This Council notes the Kent and Medway Fire and Rescue Authority's review of services in the Dover District and opposes any proposals which will result in a reduction in fire and rescue service provision in the Dover District Council area.

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

This Council notes the Kent and Medway Fire and Rescue Authority's intention to review services in the Dover District and wishes to be consulted on any proposal which will result in changes in fire and rescue service provision in the Dover District Council area.

Councillor M R Eddy agreed to amend his motion to incorporate the amendment and the motion as amended became the substantive motion.

On being put to the meeting the substantive motion was APPROVED and ADOPTED.

(Councillor J A Rook declared a personal and prejudicial interest by reason of her membership of the Kent and Medway Fire and Rescue Authority and withdrew from the meeting for the consideration of this item.)

335 EXCLUSION OF THE PRESS AND PUBLIC

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 involves the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

336 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:

- U05 Disposal of St Nicholas House, Ash
- U06 Short-Term Contract for Response Maintenance and Voids Works

The meeting ended at 6.55 pm.