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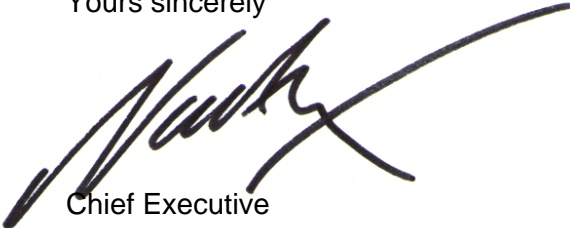
5 July 2010

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (POLICY AND PERFORMANCE)** Committee will be held in the HMS Brave Room at these Offices on Tuesday 13 July 2010 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk).

Yours sincerely



Chief Executive

Scrutiny (Policy and Performance) Committee Membership:

Councillor K Mills	(Chairman)
Councillor G Cowan	(Vice-Chairman)
Councillor M D Conolly	(Spokesperson)
Councillor C E Kirby	(Deputy Spokesperson)
Councillor T A Bond	
Councillor J H Goodwin	
Councillor D A Mayes	
Councillor C J Meredith	
Councillor J C Record	
Councillor A F Richardson	

DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

NOTE: (1) By virtue of Rule 11 of the Members' Code of Conduct, a member must, if he/she is involved in the consideration of a matter at a meeting of an overview and scrutiny committee or sub

committee, regard him/herself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another committee or sub committee of which he/she may also be a member.

- (2) This rule will not apply if the member attends the Scrutiny Committee/Sub Committee for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

## AGENDA

1. **APOLOGIES**

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3. **MINUTES** (Pages 5-9)

To confirm the attached Minutes of the meeting of the Committee held on 15 June 2010.

4. **EAST KENT (JOINT SCRUTINY) COMMITTEE**

To note the Minutes of the meeting held on 30 June 2010 (to follow).

The next meeting of the Committee is scheduled for 13 October 2010. Kent County Council is the host authority for the municipal year 2010/11.

5. **PUBLIC SPEAKING**

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak only applies to agenda item 7.

Members of the public wishing to speak must register to do so by no later than 2.00 pm on the second working day before the meeting.

6. **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE**

There are no items for consideration.

7. **ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION**

Any individual Councillor may request that a matter is placed on the agenda of one of the Council's Overview and Scrutiny Committees.

Executive Decisions may be called-in by the Chairman or Spokesperson of the Scrutiny (Policy and Performance) Committee or any three non-executive members.

- POS007: Petition Opposing Proposed Cemetery Development in Elms Vale (report attached).

8. **CABINET DECISIONS RELATING TO ITEMS ON THE AGENDA**

The following items were contained in the Record of Decisions (to follow):

- East Kent Waste Project

**SCRUTINY FRAMEWORK**

9. **FORWARD PLAN** (Pages 10-12)

It is intended that Members should use the Forward Plan to identify topics within the remit of the Committee for future scrutiny.

10. **SCRUTINY WORK PROGRAMME** (Pages 13-15)

It is intended that the Committee monitor and prioritise its rolling work programme.

11. **EXCLUSION OF THE PRESS AND PUBLIC** (Page 16)

The recommendation is attached.

MATTER WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

**EXECUTIVE – NON-KEY DECISIONS**

12. **EAST KENT WASTE PROJECT** (Paragraph 3 – Information relating to the financial or business affairs of any particular person) (Pages 17-40\_

To consider the attached report of the Director of Property, Leisure and Waste Management.

Responsibility: Portfolio Holder for Environment, Waste and Planning

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of

charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact: Rebecca Brough, Democratic Support Officer, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

Large print copies of this agenda can be supplied on request.

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE)** Committee held at the Council Offices, Whitfield on Tuesday 15 June 2010 at 6.00 pm.

Present:

Chairman: Councillor K Mills

Councillors: T A Bond  
M D Conolly  
G Cowan  
J H Goodwin  
C E Kirby  
C J Meredith  
J C Record  
A F Richardson

Also Present: Councillor G J Hood (Minute No 72 only)

Officers: Chief Executive  
Director of Governance  
Director of Finance and ICT  
Director of Housing, Culture and Community Safety  
Director of Property, Leisure and Waste Management  
Taxation and Enforcement Manager  
Democratic Support Officer

An apology for absence was received from Councillor D A Mayes.

69 EAST KENT (JOINT SCRUTINY) COMMITTEE

The Democratic Support Officer advised that no further meetings had been held since the last meeting of the Scrutiny (Policy and Performance) Committee.

RESOLVED: That the update be noted.

70 PUBLIC SPEAKING

The following persons were also in attendance and spoke in connection with the items indicated:

<u>Agenda Item</u>	<u>Speaker</u>
Regent, Deal	Ms G McCutcheon Mr H Thorsby

71 ITEMS REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration at the meeting.

72 ITEMS CALLED IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBER OR PUBLIC PETITION – POS006 PETITION RELATING TO REGENT, VICTORIA PARADE, DEAL

In accordance with the Council's Petition Procedure as set out in the Constitution, Mr A Thomsett presented his petition to the Committee and spoke for ten minutes in support of it. Approximately 1,600 people signed the petition in support of a cinema in Deal.

The Director of Property, Leisure and Waste Management informed the Committee that the sale did not include the adjacent South Street Car Park or the Timeball Tower as it purely related to the Regent Bingo Hall.

73 EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to resolve to exclude the press and public from the meeting to consider the exempt information relating to Regent, Victoria Parade, Deal.

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the current items of business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

74 READMISSION OF PRESS AND PUBLIC

The Committee resolved to readmit the press and public having considered the exempt information.

RESOLVED: That the press and public be readmitted to the meeting.

75 ITEMS CALLED IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBER OR PUBLIC PETITION – POS006 PETITION RELATING TO REGENT, VICTORIA PARADE, DEAL

RESOLVED: (a) That the petition signed by approximately 1,600 people in support of a cinema in Deal and the covering letter from Deal-Films Limited be noted.

(b) That Mr A Thomsett be thanked for presenting the petition to the Committee on behalf of Deal-Films Limited.

(c) That it be recommended to the Cabinet:

(i) That Cabinet decision CAB8(a) to sell the freehold interest in The Regent, Victoria Parade, Deal be sold to Silver Screen Cinemas for cinema use only at the price outlined in the report be endorsed.

- (ii) That the need for a legal restriction to prevent the change of use and/or redevelopment of the site without the consent of the Cabinet and an uplift clause to ensure a payment to the Council of a share of any increase in value of the site as part of the conditions of sale be reinforced in order to ensure that the Council retains control over the permitted use of the property to safeguard the provision for the people of Deal of the cinema they desire.
- (iii) That the level of concern expressed by the petition organiser, public speakers and the people of Deal for retaining the Regent, Victoria Parade, Deal for leisure use be noted and the Portfolio Holder for Property, Leisure and Waste Management and the Director of Property, Leisure and Waste Management be urged to proceed on that basis.
- (iv) That the Scrutiny (Policy and Performance) Committee express its concern in the event of any alterations to the proposed legal restrictions as part of the conditions of sale and request that in such a circumstance a further report be submitted to Cabinet and the Scrutiny (Policy and Performance) Committee on the matter.

76 FORWARD PLAN

The Democratic Support Officer presented the Forward Plan to the Committee for its consideration.

RESOLVED: That the Forward Plan be noted.

77 SCRUTINY WORK PROGRAMME

The Democratic Support Officer presented the draft Work Programme to the Committee for its consideration.

RESOLVED: (a) That the Work Programme be noted.

- (b) That the Harbour Revision Order be scrutinised by a Joint meeting of both Overview and Scrutiny Committees.

78 APPOINTMENT OF SCRUTINY CO-ORDINATION SUB-COMMITTEE

The Committee was advised that the Sub-Committee would be appointed on the basis of five Members, consisting of the two Overview and Scrutiny Committee Chairmen, the two Overview and Scrutiny Committee Spokespersons and one additional Overview and Scrutiny Committee member from the Conservative Group to maintain political balance.

RESOLVED: That the Scrutiny Co-ordination Sub-Committee be appointed for the ensuing municipal year 2009/10, comprising of Councillors K Mills, G J Hood, D R Lloyd-Jones, M D Conolly and D A Mayes.

79 APPOINTMENT OF ANIMAL WELFARE WORKING GROUP

The Democratic Support Officer informed the Committee that the work of the Working Group was close to its conclusion. It was stated that the current basis for its appointment was 2 Conservative, 2 Labour and 1 Liberal Democrat.

RESOLVED: That in keeping with the 2:2:1 composition of the Animal Welfare Working Group, Councillors K Mills, J M Munt, J C Record, C M Edwards and C J Meredith be appointed.

80 PERFORMANCE REPORT – 4TH QUARTER 2009/10

The Director of Governance presented the Performance Report – Quarter 4 2009/10 to the Committee for its consideration. There were seven performance indicators listed as being of 'red' status at year end, which were:

- LP125 Reduction in previous year level of all corporate debt where over one year old.
- BV064b The number of private sector vacant dwellings that are returned into occupation or demolished during 2009/10 as a direct result of action by the local authority, including rent deposits, leasing schemes, etc.
- BV170a The number of visits to and Internet hits of local authority funded or part-funded museums and galleries per 1,000 population.
- BV212 Average re-let time for local authority dwellings let in the financial year.
- E12 Number of enquiries for additional benefits claimed by residents aged 60 or over.
- BV012 The number of working days/shifts lost due to sickness absence per full time employee.
- LP161 The number of working days/shifts lost due to long term sickness absence per full time employee.

In respect of BV012 and LP161, the Chief Executives Office, Development and Public Protection, Governance and Housing, Culture and Community Safety had 'red' indicator status.

In addition, there were five Corporate Risks that had a residual risk rated as being of 'red' status. All services were at 'amber' status. In terms of corporate indicators, the Medium Term Financial Plan and Human Resources were rated as 'red' status.

RESOLVED: That it be recommended to the Cabinet:

- (a) That the Performance Report for the 4th Quarter be noted.
- (b) That the intention not to produce a Performance Report for Quarter 1 2010/11 for the reasons specified in Cabinet Decision CAB5 be endorsed.
- (c) That Performance Indicator LP125 (Reduction in previous year level of all corporate debt where over one year old) be changed to differentiate between debt owed to Dover District Council and debt owed to third parties.

The meeting ended at 8.20 pm.

## KENT COUNTY COUNCIL

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### **EAST KENT (JOINT SCRUTINY) COMMITTEE**

MINUTES of a meeting of the East Kent (Joint Scrutiny) Committee held in the Kent County Council on Wednesday, 30 June 2010.

PRESENT: Mr M Vye (Chairman) (Kent County Council); Mr D Brazier (Kent County Council), Councillor M D Conolly (Dover District Council), Councillor H Cragg (Canterbury City Council), Councillor C Goddard (Shepway District Council), Councillor A Friend (Dover District Council), Councillor M Harrison (Thanet District Council), Councillor J Holben (Shepway District Council), Mr R F Manning (Kent County Council), Councillor K Mills (Dover District Council), Councillor J Roberts (Thanet District Council), Councillor B Rogers (Thanet District Council), Councillor J Samper (Canterbury City Council)

ALSO PRESENT: Research Officer to Cabinet Scrutiny Committee (Kent County Council)

#### **UNRESTRICTED ITEMS**

##### **25. APOLOGIES**

*(Item 1)*

Apologies for absence were received from Councillors A Perkins, D Lloyd-Jones, T Prater and the Head of Legal and Democratic Services (Canterbury).

##### **26. APPOINTMENT OF SUBSTITUTE MEMBERS**

*(Item 2)*

It was noted that in accordance with the Operating Arrangements, Councillor A Friend had been appointed as a substitute for Councillor D Lloyd-Jones.

##### **27. DECLARATIONS OF INTEREST**

*(Item 3)*

There were no declarations of interest.

##### **28. MINUTES**

*(Item 4)*

The Chairman confirmed that if an authority was not participating in a service then the representative Members from that authority would not be entitled to vote on the service.

The minutes of the meeting of the Committee held on 14 January 2010 were approved as a correct record.

## **29. OPERATING ARRANGEMENTS**

*(Item 5)*

Point 4 of the Terms of Reference of the East Kent (Joint Scrutiny) Committee (EKJSC) set out in Schedule 1 of the Operating Arrangements stated that “Propose an annual budget for the EKJSC in accordance with the requirements of the parties”. Members confirmed that at present the work of the EKJSC was resourced within each host authority’s budget.

## **30. ISSUES REFERRED TO THE COMMITTEE BY THE EAST KENT (JOINT ARRANGEMENTS) COMMITTEE**

*(Item 6)*

There were no items for consideration.

## **31. ITEMS PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE**

*(Item 7)*

There were no items for consideration.

## **32. APPOINTMENT OF HOST AUTHORITY, DELEGATION OF POWERS FOR THE PROPOSED THANET, DOVER AND CANTERBURY SHARED SERVICES AND LOCATION OF STAFF**

*(Item 8)*

The Chairman conveyed the regret of the Head of Legal and Democratic Services (Canterbury) that he was unable to attend the EKJSC meeting.

Members raised concerns that the opposition groups were not represented in the appointment of the Director of Shared Services and Members expressed their disappointment that there was not greater Member involvement in the process. The Chairman suggested that Members report their concerns back to their own Councils.

Members queried the use of [E/C] within the report. POST MEETING NOTE: [E/C] distinguishes between Executive and Council functions as per the functions and responsibilities regulations – some may be joint functions.

## **33. REVIEW OF ADMINISTRATIVE ARRANGEMENTS FOR THE EAST KENT (JOINT ARRANGEMENTS) COMMITTEE AND THE EAST KENT (JOINT SCRUTINY) COMMITTEE**

*(Item 9)*

The Chairman referred Members to recommendation 4 of the report, which set out the matters to be kept under review in relation to the operating arrangements of both the East Kent (Joint Arrangements) Committee (EKJAC) and the East Kent (Joint Scrutiny) Committee (EKJSC).

Members expressed their concern about Member involvement in issues relating to the preparation of a Service Level Agreement to describe the role of the administrative host authority for the EKJAC.

Members were aware that the EKJSC had the power to call-in any decision made by EKJAC, a sub-committee of EKJAC, or any member of officer with delegated authority from EKJAC, however this power was not regularly used.

Mr R Manning stated that the Committee should be focussing on scrutinising in a positive way, the operating framework had been set up and it was down to Members to use it effectively. Councillor J Samper explained that the EKJSC existed to hold the EKJAC to account. The Chairman asked Members whether it was their wish that he contact the Chairmen of Scrutiny Committees across Kent to discuss the process with them, the protocol regulating the relationship between EKJSC and the individual Council Overview and Scrutiny Committee had been parked and this was perhaps an issue worth exploring.

Councillor M Conolly stated that he would seek to facilitate the sharing of services as soon and quickly as reasonably possible without holding up the process.

At the last meeting of the EKJSC there had been a discussion about the Chairman's casting vote, the recommendations of the report stated:

*That the East Kent (Joint Scrutiny) Committee operating arrangements be amended as follows:*

*To add at the end of 11.1 "In the event of an equality of votes the chairman may have a second or casting vote unless his council is not participating in the shared service concerned".*

The Committee agreed that this was an appropriate amendment.

#### **34. ANY OTHER BUSINESS**

*(Item )*

The Chairman referred Members to the Terms of Reference of the EKJSC set out in Schedule 1 of the Operating Arrangements. The Committee had a role in preparing reports and recommendations on the performance and delivery of the shared services provided by the EKJAC. This would become more important as more services became shared across Kent.

Members questioned the role of the Committee in shaping the work of the Director of Shared Services; Members of EKJSC asked that the newly appointed Director of Shared Services be invited to their next meeting to discuss her role and how it was progressing.

Councillor M Conolly explained that the first tranche of shared services had been proposed and it was understood that the Director of Shared Services would be working closely with these projects, with the support of dedicated implementation managers. Members were keen to see the best value out of the money allocated for these roles.

Members raised concerns about duplication of work; the Chairman explained that as set out in the Terms of Reference part of the remit of the EKJSC was to monitor the performance and delivery of shared services. Members briefly discussed the use of pre-scrutiny and post-scrutiny; however this was something that could be discussed

in the future. Decisions taken by the EKJAC required ratification by the individual Council's Executives and the relevant Overview and Scrutiny Committees could call those decisions in.

Members requested sight of the forward plan of work for the EKJAC and a timetable for the shared services programme. The Chairman expressed the view that where EKJAC was giving permission to Councils to go ahead with shared services it was appropriate to invite the relevant Chief Executives to EKJSC to explain their decisions.

Councillor M Harrison expressed concern about the future workload of the EKJSC as the number of shared services increased.

The Chairman said that at the end of his year in office he would present a review of the Committee's work, to help the Committee evaluate its effectiveness; and would consider drawing up a draft future work plan for presentation to the Committee.

RESOLVED: that the East Kent (Joint Scrutiny Committee):

1. Invite the Director of Shared Services to the next meeting in October to discuss her role and how it was evolving

The meeting ended at 11.20am.

REPORT OF THE DIRECTOR OF GOVERNANCE

SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE – 13 JULY 2010

**PETITION – POS007 DOVER CEMETERY**

**Recommendation**

*That the Scrutiny (Policy and Performance) Committee receive the petition opposing the proposed Elms Vale cemetery development and determine a course of action from those available to it.*

Contact Officer: Rebecca Brough, extension 2304.

**Reasons why a decision is required**

1. The Local Democracy, Economic Development and Construction Act 2009 introduced a series of measures aimed at strengthening local democracy and rebuilding public trust in their local representatives and institutions. As part of this, the Council was required to develop a Petition Scheme. The Council adopted its Petition Scheme at the meeting of full Council held on 19 May 2010.
2. A petition containing 122 signatures was received in June 2010, the first under the new scheme, calling upon the Council to:

"Stop the proposed cemetery development in Elms Vale Road west of Harbour School."
3. The Scrutiny (Policy and Performance) Committee is required to receive the petition and make recommendations in respect of it, as previously was the case under the old petition scheme. In order to assist the Committee in considering the petition, this report has been written to provide clarification as to the options available to Members.

**Options available to the Council with assessment of preferred option**

4. The following options are available to the Scrutiny (Policy and Performance) Committee in respect of the petition:
  - (a) To take no further action in respect of the petition;
  - (b) To recommend to the Cabinet/Council that the action requested in the petition be taken;
  - (c) To refer that the petition to a Council meeting;
  - (d) To recommend that Cabinet/Council hold an inquiry into the matter;
  - (e) To ask an officer to undertake research into the matter;
  - (f) To hold a public meeting of the Scrutiny (Policy and Performance) Committee to consider the matter further;
  - (g) To refer the petition to another Committee of the Council for consideration;
  - (h) To request the Director of Property, Leisure and Waste Management provide a written response to the petition organiser or a Committee setting out the Council's views about the request in the petition; and/or

- (i) Take any other action that it considers appropriate including taking no further action.

Information to be considered in taking the decision – Cemetery Consultation

5. The Council is currently consulting on the location of a new cemetery in Dover and as part of the consultation a preferred site was identified in Elms Vale.
6. A new cemetery is required as the existing cemeteries in Dover will reach capacity in the near future and the previous preferred options of expanding the St James cemetery was refused planning consent following the advice of the Environment Agency for groundwater protection reasons. An alternative option of reusing existing cemeteries was rejected on the grounds that it would not be feasible.
7. In identifying the preferred site, the Council engaged the specialist expertise of Cemetery Development Services to assess suitability of 23 sites, giving considerable to a range of factors including practicality of the site and environmental requirements.
8. The preferred site at Elms Vale has an overall capacity of 100 years of operation and would be developed in phases. The first phase, which is nearest Elms Vale Road, would necessitate the creation of infrastructure needed to support the cemetery (entrance from Elms Vale Road, car parking, burial plots, etc). Subsequent phases would be developed as required.
9. Although the site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) initial consultation has indicated that in principle there would be no objection to the creation of the cemetery as long as the development met the following criteria:
  - follow a robust site selection process
  - be of the highest quality;
  - the design should support the primary purpose of the designation; and
  - maintain the remote undeveloped quality of the open chalk downland valley.
10. The supporting documentation for the consultation is set out in the appendices to this report. In addition, the Director of Property, Leisure and Waste Management will be present at the meeting to respond to questions from Members.

Information to be considered in taking the decision – Petition Scheme

11. The Petition Scheme considers a petition to be "anything which identified itself as a petition, or which a reasonable person would regard as a petition". To sign a petition in the Dover District the signatory must either live, work or study in the District. There is no minimum age qualification for signing or starting a petition.
12. There are three types of petition that the Council may receive. An 'Ordinary' Petition is any petition with less than 1,600 votes that is not asking for a specific officer to be held to account. A petition with more than 1,600 votes is a required to be debated at a meeting of full Council and a petition with more than 800 votes can ask to call an officer to account.
13. For a petition to be accepted under the Council's Petition Scheme it must meet a number of criteria. This includes:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and
  - The name, postal address and signature of any person supporting the petition.
14. A petition cannot relate to the following matters:
- (a) Any matter relating to a planning decision (including about a development plan document or the community infrastructure levy);
  - (b) Any matter relating to a licensing decision;
  - (c) Any other matter relating to an individual or entity in respect of which that individual or entity has the right of recourse to a review or right of appeal conferred by or under any other enactment. This includes:
    - Statutory petitions (such as requesting a referendum on having an elected mayor); or
    - Matters where there is already an existing right of appeal (such as council tax banding and non-domestic rates).
15. In the case of the petition accompanying this report it has been assessed as being an 'Ordinary' Petition and does not relate to any excluded matters. Although a planning decision would be required to proceed with the development of any future cemetery there are currently no applications pending that would exclude the petition and the matter is still open for consultation on the Council's website.
16. In accordance with the Petition Scheme, the Petition Organiser or a signatory to the petition in their absence, is permitted to present the petition to the Scrutiny (Policy and Performance) Committee and speak to the petition for ten minutes.

#### Background Papers

Dover District Council Petition Scheme

#### Resource Implications

None.

#### Consultation Statement

The Director of Property, Leisure and Waste Management and the Democratic Services Manager have been consulted in the drafting of this report.

#### Impact on Corporate Objectives and Corporate Risks

The Petitions Scheme supports the World Class Communities theme of the Corporate Plan and supports the localism agenda. In particular it gives young people a chance to participate directly in the decision-making framework rather than through a representative body or figure and promotes the democratic process as a whole.

### **Customer Access Review**

The Customer Access Review undertaken for the Petition Scheme applies to all petitions received by the Council.

### **Attachments**

Appendix 1 – POS007 Proposed Cemetery Development in Elms Vale Petition

Appendix 2 – [Consultation documents for Elms Vale Cemetery](#)

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Democratic Support Officer, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2304.



RW/491/4

[REDACTED]

To whom this may concern,

On behalf of the Elms Vale people please find enclosed a partition in regards to the proposed cemetery in Elms Vale. The partition has been placed in a local shop for three weeks. It has been signed by 125 people of the community for the following reasons:

- Proximity to playing fields
- Proximity to child's play area
- Three schools in the local area
- Traffic congestion on Elms Vale road
- Do not want to see funeral processions on a regular basis
- Don't want children to view these processions
- This is a valley of outstanding natural beauty

As you can see this number of objections must be taken into serious consideration.

Please find an enclosed copy of an ordinate survey map of Dover and a list of sites. One is headed as sites suggested by Dover District Council and the other headed as sites suggested by Mr and Mrs Sedgwick. As you can see, marked in red are council sites and in blue our suggested sites.

I would like to bring to your attention site 19 in red of the Council's choice. My main objections are that this part of the area is a place of natural beauty. It has a water table which is very important to the town; I am also concerned that the nature of a cemetery could pollute this water supply. Have you already investigated this with Folkestone water company (Viola)? This site is surrounded by many schools which include three primary schools, two secondary schools and directly next to site 19 is a school for special needs students. When looking at the plans you have left no adequate area between sites for a border or any means to mask this from the eyes of vulnerable special needs children? As I'm sure there would be many concerns from worried parents regarding this. May I also point out that at this time of year local schools walk to Elms Vale recreation ground to play rounder's and explore nature. It wouldn't be nice to see a hearse with a coffin in it proceeding up Elms Vale road whilst children are enjoying outdoor activities.

Secondly the bottom of Elms Vale gets very congested at certain times of the day especially at school times. Many people use this part of the road as access from Folkestone Road, Elms Vale and Clarendon to areas such as Buckland estate, River and St Radigunds. These areas have consistent traffic flow, which is why the council have made Eaton Road and Astor Avenue 20mph zones. Local businesses also have regular deliveries that affect

traffic flow on this part of the road, causing it to be very congested and slow moving. Adding to this congestion is the local bus route which runs every twenty minutes. We also have a regular refuse collection with additional paper and garden waste lorries once a week. These lorries block the road as cars utilise parking spaces on both sides of Elms Vale road which makes this a narrow area to pass. Sometimes it can take about fifteen minutes to get from one end of Elms Vale to the other when following them.

Elms Vale Road does not just have its own traffic but is the main road leading from Hougham and Church Hougham. This makes the lane busy at anytime of the day.

As you can see I have listed your sites and made some statements as to why I think they are suitable and unsuitable. Many of them seem to be very unreasonable and I cannot understand why some have even been suggested? I have also looked around Dover and made a list of sites that I think would far more appropriate and hopefully not interfere with people's day to day lives.

I would like to bring your attention to site number 4 in blue, which we feel is a perfect site for a cemetery as it has brilliant access and is a secluded area. Site number 3 is also a good site but we've been informed that this is up for future development.

I feel you have given me no explanation or consideration so far. A year ago you started testing and boring holes in the field opposite and when approached you gave me no answers to my enquiry even though I feel you must have already been making your investigations into this proposed cemetery.

When looking at the list of proposed sites that have been considered as an alternative to this site, I have the feeling these are areas you have had to make up. I would like to know if this is a council or private project?

As you can see from my above letter I feel very passionate about the area I have lived in for the past twenty-eight years. There are many other areas that are not considered areas of such natural beauty and I don't understand why you would want to destroy this now?

Yours faithfully,

A handwritten signature in black ink that reads "B Sedgwick" followed by "of Sedgwick". The signature is written in a cursive, slightly slanted style.

Mr and Mrs B Sedgwick

**PETITION**

**Topic:** Proposed Cemetery Development in Elms Vale.

**What do you want the council to do?:**

STOP THE PROPOSED CEMETARY DEVELOPMENT  
IN ELMS VALE ROAD WEST OF HARBOUR ~~School~~  
SCHOOL.

**Lead petitioner:**

**Name:** Mrs C. SEDGWICK

**Email address:** \_\_\_\_\_

**Telephone:** [REDACTED]

**Address:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Suggested sites by Dover District council

1. Connaught Park.  
Not suitable because it was given to the town as a park and must be left as a park.
2. Pencester Gardens.  
Not suitable because this was also given to the town as a garden and must remain a garden.
3. The Abbots.  
Not suitable. Playing fields and recreation ground for Dover College.
4. Playing fields South of Astor Avenue.  
Not suitable as this is a Secondary School playing field.
5. Playing Fields North West of Astor Avenue.  
Not suitable, this is Dover Grammar school for Boys playing field.
6. Playing fields West of Astor Avenue.  
Not suitable, Playing field and sports area for Astor College.
7. Cow Lane.  
Suitable site, very bad access as the lane is not very wide. This is Dover college recreational ground.
8. Allotments South of prospect place.  
Suitable site, large area, very bad access. An end of terrace house would have to be knocked down to make appropriate access.
9. Allotments off Green Lane.  
Suitable site, large area and good access.
10. Sports ground off the Linces.  
Not suitable, in the middle of a council estate and on children's playing field.

11. Old park Barracks playing fields.  
Suitable site, large area with good access.
12. Sports ground off Honeywood park way.  
Suitable site, large area with good access.
13. Duke of York's training ground.  
Suitable site, large area and good access.
14. Farmland East of Durban Crescent.  
Suitable site but close to a housing estate.
15. Farmland East of Napier Road.  
Suitable site but close to a housing estate.
16. Farmland West of fort Burgoyne.  
Suitable site, large area with good access.
17. Farmland East of Duke of York's Military school.  
Suitable site, large area with good access.
18. Farmland off Coombe Road.  
Suitable site, but a far distance along Poulton Bottom Road, this does have large fields that lead to the suggested site.
19. Farmland west of harbour school.  
Suitable site but with bad access due to heavy traffic and congestion at the bottom of Elms Vale Road. This area has a cluster of Secondary and Primary schools which includes Dover Harbour School for special needs children direct next to the proposed site. Also a busy country lane leading to Hougham.
20. Farmland North of Abbey Road.  
Suitable site with bad access up a country lane.
21. Farmland West of Guston South of Pineham Road.  
Suitable site and good access.
22. Farmland West of Guston West of Pineham Road.  
Suitable site and good access.

23. Sports ground off West of old Folkestone Road and St David's Avenue.  
Not suitable as it is a playing field on a council estate.

Proposed sites for cemetery suggested  
By Mr and Mrs Sedgwick

1. Land next to Dover grammar school for girls sports field.  
Good access, ideal site on old roman road. Large area up to the first house on the right hand side.
2. Maxton allotments and scrub land (Council site).  
Good access via main road. Large area extending all the way to Farthingloe farm.
3. Temporary Channel tunnel works. Ex Farthingloe.  
Suitable access has an existing church building on site. When the temporary accommodation was granted it was on condition that the land was turned back into farmland.
4. Land at the rear of Farthingloe cottages Folkestone Road.  
Excellent access plenty of land, no road workings needed to be done as road already established and lighting i.e. Lampposts already on site. This is the best site as it's on the outskirts of the town and doesn't interfere with anybody. Dual carriageway access opposite water works.
5. Churchwood.  
Good access via main road, large area of land.
6. Farmland off Coombe Road.  
Suitable access at the beginning of the lane, large area of land, Double road leading to it (Council owned site).
7. Farmland off Coombe Road.  
Same as above.
8. Bottom of Abbey Hill.  
Good access, good site.

- 9. Land south of Whitfield Hill.  
Suitable site, very good access.
  
- 10. Field top of Whitefield Hill.  
Same as above.
  
- 11. The Danes old Charlton Road.  
Suitable site, good access. As other suggested sites are on a lot of recreation grounds, this would also be a good site.
  
- 12. Land rear of Dover castle.  
Suitable site, this has two good access points, one on the main road and the other via upper lane.
  
- 13. Land in-between Premier hotel and Duke of York's Military school.  
Good access, ideal site covering large area.
  
- 14. Land behind Connaught Park.  
Suitable area and Good access.
  
- 15. Land opposite Burgoyne Heights (Known as Tin Town).  
Suitable site, Good access covering large area.
  
- 16. Old Roman Road (Left-hand side).  
Suitable site and good access.
  
- 17. Old Roman Road (Right-hand side)  
Suitable access, good access.

**Agenda Item No 8**

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 14 5.7.10 Exempt</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 July 2010</p>	<p><u>EAST KENT WASTE PROJECT</u></p> <p>It was agreed:</p> <p>(a) That the decisions of the East Kent (Joint Arrangements) Committee (EKJAC), taken at its meeting held on 19 May 2010, be noted, as follows:</p> <p>(i) That EKJAC agrees the proposal to use the Alternate NOM as the base model to be priced by tenderers in the procurement for the waste collection, disposal and cleansing services for Dover, Shepway and Kent County Council (KCC).</p> <p>(ii) That the Alternate NOM is used in the future for the development of services in Canterbury and Thanet.</p> <p>(iii) That the required additional future funding to complete the current procurement process is met initially by KCC, with the part contributions to these costs by the districts being deducted from their Enabling Payments once these commence.</p> <p>(iv) That delegated authority is given to the Chief Executive of Dover District Council, in consultation with the Chief Executives of Kent, Shepway, Canterbury and Thanet councils, to determine the formula to share the outstanding and future project development costs of completing the first phase of procurement in the East Kent Joint Waste project, but if he considers there is difficulty in reaching a consensus, he may refer it to this Committee for decision.</p>	<p>None.</p>	<p>The four district councils in east Kent, plus Kent County Council, have formed a partnership to deliver waste services.</p> <p>Cabinet is requested to note the proposals agreed by the East Kent (Joint Arrangements) Committee for progressing the procurement process for waste collection, processing and haulage and cleansing services, and to agree payment arrangements.</p>	

	<p>(v) That KCC will provide capital funding for additional containerisation up to the figures set out in the table under paragraph 2.6 of the report for each district. KCC will deal with any revenue fluctuations that arise from the borrowing of these funds.</p> <p>(b) That the net disposal savings generated by the new service arrangements as set out at Appendix 1 of the report to the EKJAC be retained by KCC, and that KCC limits the sums payable to the districts to the enabling payments for each authority as set out in the table under paragraph 2.7 of the report, plus the alternate view payments to Canterbury and Thanet as set out in paragraph 2.10 of the report.</p> <p>(c) That, provided the overall waste diversion increases in East Kent, KCC will share 50% of the savings with the East Kent districts and that the allocation between the districts will be based on a simple formula pro-rata to their populations.</p> <p>(d) That the amendments set out in the supplementary agenda papers for EKJAC (see Appendix B) relating to paragraphs 2.8, 2.11 and 6.3 of the report be approved.</p>			
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The meeting ended at 11.11 am.

## Forward Plan 2010/11 – 1 July 2010 to 31 October 2010

Key Decisions 2010/11	Item	Portfolio Holder	Scrutiny	Cabinet	Council
1	Preparation of the Local Development Framework	Environment, Waste and Planning	To be determined at key milestones	April 2005 to June 2011	April 2005 to June 2011
2	Approval of the Private Sector Housing Strategy 2010-2015	Economy & Special Projects and Community, Housing & Youth	20 January 2010	11 January 2010 and 12 April 2010 (Strategic Housing Executive Committee)	19 May 2010
3	To consider progress on the delivery of Dover Town Centre Investment Zone (St James)	Economy and Special Projects	20 January 2009	12 January 2009 and ongoing	Executive Function
4	The Council's representations to the Gypsies and Travelling Showpeople Partial Review: Pitch numbers and distribution options for public consultation	Environment, Waste and Planning	Winter 2010	(i) 3 November 2008 (ii) 6 July 2009 (iii) Winter 2010	Executive Function
5	To consider making available part of the Council's landholdings.	Access and Property Management	July-September 2010	July-September 2010	July-September 2010
6	To agree the principles of the North Deal Regeneration Initiative and approve the proposals	Economy and Special Projects	July-September 2010	July-September 2010	Executive Function
7	To approve proposals for the Dover Waterfront together with possible strategic supporting proposals at Western Heights and Farthingloe linked to the town centre	Economy and Special Projects	July-September 2010	July-September 2010	July-September 2010
8	To adopt the East Kent Local Strategic Partnership Sustainable Community Strategy	The East Kent Sustainable Community Strategy Action Plan is currently under further review taking into consideration changing external factors			
9	Preparation of the Dover Urban Design Guide Supplementary Planning Document (SPD)	Environment, Waste and Planning	Not applicable	May 2009 to March 2011	May 2009/March 2011

<b>Key Decisions 2010/11</b>	<b>Item</b>	<b>Portfolio Holder</b>	<b>Scrutiny</b>	<b>Cabinet</b>	<b>Council</b>
10	Aylesham Design Code	Environment, Waste and Planning	June-October 2010	June-October 2010	Executive Function
11	Approval of the Affordable Housing Delivery Plan 2010-2015	Economy & Special Projects and Community, Housing & Youth	Not applicable	11 January 2010 and 12 April 2010 (Strategic Housing Executive Committee)	19 May 2010
12	Approval of the Older Persons' Housing Strategy 2010-2015	Economy & Special Projects and Community, Housing & Youth	Not applicable	11 January 2010 and 12 April 2010 (Strategic Housing Executive Committee)	19 May 2010
13	Approval of a Housing Strategy 2010-2015	Community, Housing and Youth	23 July 2010	12 April 2010 and 5 July 2010 (Strategic Housing Executive Committee)	28 July 2010
14	To consider the receipt of tenders and the appointment of a contractor for the construction of the new Deal Indoor Tennis Centre	Access and Property Management	Not applicable	10 May 2010	19 May 2010
15	To consider the Harbour Revision Order and possible Transfer of the Port of Dover	Economy and Special Projects	July-September 2010	July-September 2010	July-September 2010
16	Preparation of the Deal Transportation and Flood Alleviation Project	Economy and Special Projects	June-September 2010	June-September 2010	June-September 2010
17	Award of contract for Waste Services	Environment, Waste and Planning	To be determined	September 2010	Executive function
18	To consider making available part of the Council's landholdings for the positioning of Towers 2 and 3 for the proposed Cable Car	Economy and Special Projects	July-September 2010	July-September 2010	Executive function
19	The Managed Expansion of Whitfield Supplementary Planning Document	Environment, Waste and Planning	To be determined	January 2010-April 2011	Executive function

<b>Key Decisions 2010/11</b>	<b>Item</b>	<b>Portfolio Holder</b>	<b>Scrutiny</b>	<b>Cabinet</b>	<b>Council</b>
20	Connaught Barracks Supplementary Planning Document	Environment, Waste and Planning	To be determined	April 2010–April 2011	Executive function
21	Joint Venture/Collaboration Agreement with Major Landowner	Economy and Special Projects	To be determined	July – August 2010	Executive function

(Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Forward Plan.

(2) The Council's Corporate Management Team reserves the right to vary the dates set for consultation deadline(s) and for the submission of reports to Cabinet and Council in respect of key decisions included within this version of the Forward Plan. Members of the public can find out whether any alterations have been made and may also inspect copies of Cabinet and Council agenda papers at the Council's website ([www.dover.gov.uk](http://www.dover.gov.uk)).

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11

## SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

Month	Scrutiny (Policy and Performance) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
June 2010	Performance Report	Single Meeting	Corporate Management Team	£0		To consider the performance report.
	Petition - Regent, Deal	Single Meeting	Director of Property, Leisure and Waste Management	£0		To receive a petition and consider any recommendations arising.
July 2010	Petition – Elms Vale Cemetery	Single Meeting	Director of Property, Leisure and Waste Management	£0		To receive a petition and consider any recommendations arising.
	East Kent Waste Project	Single Meeting	Director of Property, Leisure and Waste Management	£0		To consider the report.
August 2010	<b>No Meeting Scheduled</b>					
September 2010	Budget Update	Single Meeting	Director of Finance	£0		To receive an update on the budget.

Month	Scrutiny (Policy and Performance) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Budget Scrutiny Review	Single Meeting	Democratic Support Officer	£0		To consider the best way to conduct the scrutiny of the budget 2010/11.
	Award of contract for Waste Services	Single Meeting	Director of Property, Leisure and Waste Management	£0		To consider the report.
	To consider the Harbour Revision Order and possible Transfer of the Port of Dover.	Joint Meeting with Scrutiny (Community and Regeneration) Committee	Director of Regeneration	£0		To consider the report.
	To consider making available part of the Council's landholdings	Single Meeting	Director of Property, Leisure and Waste Management	£0		To consider the report.
October 2010						
November 2010	Animal Welfare Charter	Single Meeting	Director of Governance Democratic Support Officer	£0		To consider a draft charter and to make recommendations to Cabinet / Council.
December 2010						
January 2011						
February 2011	Scrutiny of the Council Budget	Single Meeting	Chief Executive Director of Finance & ICT	£0		To consider the budget.

Month	Scrutiny (Policy and Performance) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
March 2011						
April 2011	Annual Report of Overview and Scrutiny	Single Meeting	Director of Governance Democratic Support Officer	£0		To consider the annual report of Overview and Scrutiny
May 2011						

*Please note dates are approximate for key decisions as they are based on the latest edition of the Forward Plan and subject to change.*

#### **Key Milestone Items for the Municipal Year 2010/11**

At key milestones	East Kent Shared Services	May 2010 – April 2011	Chief Executive Corporate Management Team			To receive reports on Shared Service proposals as they are considered by Cabinet / Council.
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**Version: Monday, 05 July 2010**

**EXCLUSION OF THE PRESS AND PUBLIC****Recommendation**

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 the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
East Kent Waste Project	3	Information relating to the financial or business affairs of any particular person