

# Public Document Pack



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12 February 2019

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** on Tuesday 12 February 2019 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 5)

To confirm the Minutes of the meeting of the Committee held on 6 November 2018.

13 **MATTHEWS CLOSE, DEAL** (Page 6)

To consider the report of the Strategic Director (Operations and Commercial) (to follow).

Yours sincerely

A handwritten signature in dark ink, appearing to be "N. Smith", written over a white background.

Chief Executive

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 6 November 2018 at 6.00 pm.

Present:

Chairman: Councillor M I Cosin

Councillors: J M Heron  
P D Jull  
S C Manion  
M Rose  
D A Sargent

Officers: Director of Environment and Corporate Assets  
Director of Finance, Housing and Community  
Director of Customer Services (East Kent Housing)  
Head of Inward Investment  
Head of Finance  
Head of Museums and Tourism  
Democratic Services Manager

49 APOLOGIES

Apologies for absence were received from Councillors T A Bond, P I Carter and K Mills.

50 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor P J Hawkins had been appointed as substitute member for Councillor K Mills.

51 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

52 MINUTES

The consideration of the Minutes was deferred.

53 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

54 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

Members received the decisions of the Cabinet relating to recommendations made by the Committee.

RESOLVED: That the Cabinet decisions relating to recommendations from the Scrutiny (Policy and Performance) Committee be noted.

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

There were no items of business for consideration.

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

There were no items of business for consideration.

57 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

58 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Scrutiny Work Programme to the Committee for its consideration.

RESOLVED: That the Work Programme be noted.

59 DOVER TOWN CENTRE UPDATE

The Head of Inward Investment provided an update on Dover Town Centre which included the following matters:

- That the St James development had acted as a catalyst for investor confidence in Dover. 90% of the site was either occupied or in legal discussions.
- The Council was investigating how it could link St James to the rest of the town with Maison Dieu acting as the end point.
- The Council was also looking at how it could bring footfall from the castle into the town, build on the strength of its heritage attractions (Western Heights, Maison Dieu, etc) and strengthen the links to Dover Priory.
- That the Council was working with Dover Town Team to bring forward a bid for the Coastal Communities Fund.
- That money was ringfenced in the budget for the regeneration of Dover Town Centre.
- That the Council was engaging with landowners at key sites in the town to ensure the sites were presentable and to encourage them to participate in the regeneration of the town centre.

RESOLVED: That the update be noted.

60 ACCOMMODATION CHARTER UPDATE

The Head of Museums and Tourism presented the update on the Accommodation Charter.

Members were advised that the charter had been successful in providing free advertising to those premises that agreed to adhere to the charter standards. However, the Council had taken a pause pending the outcome of the recommendations of the All Party Tourism Committee which had proposed introducing a registration scheme that could be run by local authorities and would replace the current Accommodation Charter.

RESOLVED: That the update be noted.

61 PERFORMANCE REPORT – QUARTER 2, 2018/19

There were 6 red performance indicators (out of 33 total indicators) for Quarter 2 as follows:

(a) EKHL1 (Average time taken to re-let council dwellings)

Members were advised that the amount of work required to bring properties back into use had increased as with older tenants there was often a need to modernise the properties. There had also been some workforce issues with the contractor.

(b) EKHC2 (Rent arrears as percentage of annual debit)

The rollout of Universal Credit continued to have an impact on arrears as households often had limited ability to repay the arrears in the short term and it took longer for them to be cleared.

(c) EKHC3 (Former tenant arrears as percentage of annual debit)

As for the answer to EKHC2.

(d) HOU010a (Number of households living in Temporary Accommodation including bed & breakfast) and HOU010b (Number of households in bed and breakfast)

While the number of households in temporary accommodation had increased the proportionate increase in the number of households in bed and breakfast was smaller. The number of properties for use as temporary accommodation had increased for 6 in October 2017 to 23 by the end of Quarter 2.

The Council had seen an increase in the number of private sector tenancies being brought to an end which had resulted in an impact of the Q2 homelessness acceptance figures. The Council had also undertaken enforcement action that resulted in the closure of a HMO in Dover.

(e) GOV002 (Number of working days/shifts lost due to long term sickness absence over 10 days per FTE)

While the number of days for short term and long term sickness were slightly higher than the previous year both remained relatively low and the rise in long term sickness absence was related to a few cases.

Members asked for further information on the Homelessness Reduction Act and in particular the definition used for 'vulnerable'.

RESOLVED: (a) That the Performance Report Quarter 2, 2018/19 be noted.

(b) That the committee receive an update on the Homelessness Reduction Act, including the definition used for 'vulnerable'.

62 ESTABLISHMENT OF A PROPERTY COMPANY

The Head of Finance presented the report on the Establishment of a Property Company. Members were advised that the establishment of a local property company would provide the Council with a vehicle to invest in both private residential and commercial properties, with the income generated able to be reinvested in the General Fund to support council services.

The company would not be seeking Member approval for each property purchase and there were a number of delegations in place to officers in order to facilitate the purchase of properties.

RESOLVED: That the report be noted.

63 EAST KENT WASTE 2021

The Director of Environment and Corporate Assets presented the update report on the East Kent Waste 2021 project.

Members were advised that Folkestone and Hythe District Council wanted to continue working with Dover District Council in respect of the procurement and, following the completion of a detailed review, options were being considered for future development. One option that was being considered was whether to separate street cleaning from the contract and bring it in-house as there was a lot of synergy with the in-house grounds maintenance service.

RESOLVED: That the update be noted.

The meeting ended at 8.02 pm.

**Note to Scrutiny (Policy & Performance) Committee: 12 February 2019**

**Granting of an easement at Matthews Close, Deal**

Background

Cabinet agreed at the meeting on 3 December 2018 to a proposal to grant an easement in return for a the payment of a capital sum to enable a road to be constructed across a ditch owned by the Council to provide access to a field located to the west of Matthews Close, Deal which has been granted planning consent for residential development.

The Cabinet decision was reviewed by the Scrutiny (Policy & Performance) Committee on 4 December 2018, when Cllr Gardner advised that the developer had indicated within the planning process that the monies paid to the Council for this easement had reduced the viability of his scheme thus limiting the funds available to be allocated for affordable housing.

The committee agreed to request a further report on this matter.

Scheme Viability

Within the planning process, the National Planning Policy Guidance (NPPG) sets out the government's approach to viability assessment. Whilst this does not expressly refer to the inclusion of ransom payments as a development cost, it does include a non-exhaustive list of what development costs include, including abnormal costs. RICS Guidance on Financial Viability in Planning suggests that such costs are 'relevant development costs that should be taken into account in viability assessments'. Case law supports the reliance on RICS guidance and thus in the circumstances arising in this application, the Council has been advised that ransom payments can lawfully be taken into account in a viability appraisal.

Application of the Capital Receipt

With regards to the application of the monies received by the Council in return for the granting of the easement, these are treated as a capital receipts, The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, provides that capital receipts can only be used for one of the following purposes:-

- a) to meet capital expenditure;
- b) to repay the principal of any amount borrowed;
- c) to pay a premium charged in relation to any amount borrowed;
- d) to meet any liability in respect of credit arrangements, other than any liability which, in accordance with proper practices, must be charged to a revenue account;
- e) to meet the administrative costs of or incidental to a disposal of an interest in housing land;
- f) to make a payment to the Secretary of State under regulation 12 or 13.

Decisions as to how capital funds are applied, taking account of the respective priorities of the many competing demands on the Council's funds, are considered as part of the Council's annual budget setting process and are then set out in the Medium Term Financial Plan.

The Council clearly can, and indeed on occasion does, allocate capital funds to support the provision of affordable housing should it wish to.

Roger Walton, Strategic Director