

Public Document Pack



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30 May 2017

Dear Councillor

NOTICE OF DECISION TAKEN BETWEEN MEETINGS – (DPH01 17) REPLACEMENT OF FENDER PILES AT SANDWICH QUAY

Please find attached details of a decision taken by Councillor Trevor Bartlett, Portfolio Holder for Property Management and Public Protection, to accept £15,000 from the Environment Agency as compensation for the loss of parking revenue and in lieu of installing new fender piles at Sandwich Quay.

The deadline for call-in of this decision is **10.00am on Monday, 5 June.**

If call-in is not activated, the implementation date for this decision will be noon on 5 June.

Members of the public who require further information are asked to contact Kate Batty-Smith on 01304 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in purple ink that reads "Kate Batty-Smith". Below the signature is a short horizontal line.

Democratic Support Officer

ENCL

1 (DPH01 17) - REPLACEMENT OF FENDER PILES AT SANDWICH QUAY (Pages 2-5)

Decision Notice

Decision Taken Between Meetings

Decision No:	DPH01
Subject:	REPLACEMENT OF FENDER PILES TO SANDWICH QUAY
Notification Date:	30 May 2017
Implementation Date:	5 June 2017
Decision taken by:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Public Protection
Authority:	Paragraph 12 of Section C of Part 3 (Responsibility for Functions) of the Constitution ('General Responsibilities Delegated to all Members of the Executive')
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	Yes (<i>The deadline for call-in is 10.00am on 5 June 2017</i>)
Classification:	Unrestricted
Reason for the Decision:	To agree to revisions to an agreement concluded with the Environment Agency in 2014 regarding the closure of an area of the Sandwich Quay Car Park to facilitate flood defence works.
Decision:	To agree to revisions to an agreement concluded with the Environment Agency in 2014 regarding the closure of an area of the Sandwich Quay Car Park to facilitate flood defence works so that the Council will now receive £15,000 compensation for loss of parking revenue in lieu of the installation of new timber fender piles by the Environment Agency.

1. Consideration and Alternatives

1.1 Refer to supporting Cabinet report.

2. Any Conflicts of Interest Declared?

No.

3. Supporting Information

None.

Subject:	REPLACEMENT FENDER PILES TO SANDWICH QUAY
Date:	30 May 2017
Decision to be taken by:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Public Protection (in respect of Recommendation 1 below) Mike Davis, Director of Finance, Housing and Community (in respect of Recommendation 2 below)
Report of:	Keith Watson, Corporate Estate and Coastal Engineer
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Public Protection
Decision Type:	Executive Non-Key Decision
Call-in to be suspended:	No
Classification:	Unrestricted
Delegated Authority:	<ol style="list-style-type: none"> With regard to recommendation (1): Paragraph C12 of Section 3 of Part 3 of the Constitution – ‘General responsibilities delegated to all members of the executive’ – where a matter is urgent and a decision cannot reasonably await the next meeting of Cabinet. With regard to recommendation (2): Authority delegated by Cabinet at its meeting held on 1st March 2017 (CAB 155) to ‘continue the practice of delegating authority to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, to authorise projects up to £50,000 that have been included in the Capital and Special Revenue Projects programmes’
Purpose of the report:	<ol style="list-style-type: none"> To agree to revisions to an agreement concluded with the Environment Agency in 2014 regarding the closure of an area of the Sandwich Quay Car Park to facilitate flood defence works. To seek approval of a project to replace the timber fender piles at Sandwich Quay.
Recommendation:	<ol style="list-style-type: none"> To agree to revisions to an agreement concluded with the Environment Agency in 2014 regarding the closure of an area of the Sandwich Quay Car Park to facilitate flood defence works so that the Council will now receive £15,000 compensation for loss of parking revenue in lieu of the installation of new timber fender piles by the

Environment Agency.

2. To approve a project to replace the timber fender piles at Sandwich Quay
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1. **Summary**

- 1.1 This report seeks approval to vary an agreement reached with the Environment Agency in 2014 under which the Environment Agency was going to replace timber fender piles at Sandwich Quay in lieu of making a payment of monetary compensation for lost parking revenues occasioned by the undertaking of flood defence works. It also seeks approval of a project to replace the timber fender piles to be part funded by a cash payment made to the Council by the Environment Agency under the varied agreement.

2. **Introduction and Background**

- 2.1 On 1 April 2014 the Portfolio Holder for Access and Property Management agreed to the temporary closure of parts of the Sandwich Quay Car Park to facilitate flood defence works by the Environment Agency. Instead of the Environment Agency making a compensatory payment to the Council for loss of parking revenue, it was agreed that the Environment Agency would install new timber fender piles to the quay wall as part of the works. This was all recorded in decision notice DPH08.
- 2.2 Owing to constraints on the budgets of the Environment Agency that they were unable to install the timber fender piles and, following further negotiations with the Environment Agency, it has been agreed that the Council will accept a payment of £15,000 compensation in respect of lost parking revenues instead.
- 2.3 Without the fender piles in place boats are unable to moor up against the new Quayside. This has resulted in the neighbouring Quayside becoming overwhelmed during the summer season and having to turn away vessels with the consequent loss of trade to the economy of Sandwich and the loss of Council mooring fees to the Council.
- 2.4 A decision now needs to be made by the Council regarding the replacement of the timber fender piles.

3. **Identification of Options**

- 3.1 Option 1 – Do nothing and absorb the funding back into the Council's general fund.
- 3.2 Option 2 – Consider alternative enhancements to Sandwich Quay.
- 3.3 Option 3 – Install new fender piles to Sandwich Quay.

4. **Evaluation of Options**

- 4.1 Option 1 is not recommended. Although this might reduce some pressure on the Council's budget, the Sandwich Quay wall will still be left vulnerable to damage and boats visiting Sandwich will be limited to areas of mooring.
- 4.2 Option 2 is not recommended. Although alternative options could be considered for Sandwich Quay, it wouldn't resolve the matter of the Quay being left in an unfinished state.

- 4.3 Option 3 **is considered as the recommended option.** Installing the new fender piles will restore the original use of the Quayside and enable the Council to once again offer a mooring service, in addition to the new toilet and shower facilities which are available.

5. **Resource Implications**

- 5.1 The total cost of the works has been estimated at £50k; this will allow the installation of 35 fender piles and brackets, along with some necessary de-silting works around some of the existing piles. The works will be carried out in the river and will not cause any further disruption to the Quay car park.
- 5.2 The Environment Agency will make a payment of £15,000 to DDC in compensation for lost car park income incurred during the construction of the flood defences. The remaining £35k will be funded from Capital receipts; provision for this is included in the current Medium-Term Financial Plan.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comment to add. (KW)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however, in discharging their responsibilities, Members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.
- 6.4 Other Officers (as appropriate):

7. **Appendices**

None.

8. **Background Papers**

Relevant files.

Contact Officer: Keith Watson, Corporate Estate and Coastal Engineer 2399