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26 July 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** will be held in the **Astor Theatre, Stanhope Road, Deal CT14 6AB** on Thursday 3 August 2017 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 rebeccabrough@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Scrutiny (Policy and Performance) Committee Membership:

K Mills (Chairman)
M I Cosin (Vice-Chairman)
T A Bond
R J Frost
B J Glayzer
J M Heron
M J Holloway
S C Manion
M Rose
D A Sargent

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **REGENT CINEMA UPDATE** (Pages 4 - 7)

To receive an update in respect of the current situation for the Regent Cinema and determine if recommendations need to be made to the Cabinet.

The members of the Scrutiny (Policy and Performance) Committee have agreed to extend the arrangements for public speaking to cover this item of business.

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. 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.
- 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, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebeccabrough@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Scrutiny (Policy and Performance) Committee – 3 August 2017

Update on the Regent Cinema

	Scrutiny Recommendation (September 2016)	Cabinet Decision (October 2016)	Action (as at February 2017)
(a)	That planning officers be instructed to immediately cease providing pre-application advice to the developers of the Regent Cinema.	That Planning Officers be instructed to immediately cease providing pre-application advice to the developers of the Regent Cinema. Cabinet noted that the developers had recently been advised by the Chief Executive that the pre-application advice process had been exhausted and that they should proceed with a planning application as soon as possible.	Members were advised that officers had ceased providing pre-application advice although they remained in contact with the developers.
(b)	That the developer be given 3 months to submit an outline planning application and 6 months to submit a full planning application for the Regent Cinema building and, if these deadlines are not met, the Council take enforcement action in respect of the building.	That the developer be given 3 months to submit an outline planning application and 6 months to submit a full planning application for the Regent Cinema building and, if these deadlines are not met, the Council take enforcement action in respect of the building.	As of 14 February 2017 no application had been received. It was noted that an outline planning permission was not a requirement and that a full application could be submitted directly instead. The Director of Environment and Corporate Assets advised that the deadline for the six months was considered to be 3 April 2017 and if no application had been received at that time the Council would explore the options available to it.

	Scrutiny Recommendation (September 2016)	Cabinet Decision (October 2016)	Action (as at February 2017)
(c)	That officers be requested to investigate the heritage value of the Regent Cinema building.	It was agreed that the Scrutiny (Policy and Performance) Committee's recommendations (c) and (d) relating to heritage value and listed building status be rejected for the time being, pending the outcome of other actions. Cabinet noted that there were no restrictions on who could make an application for listed building status, and that listed building status could potentially limit the future use of the building.	Not applicable.
(d)	That officers be requested to investigate applying for Listed Building status for the Regent Cinema building.	It was agreed that the Scrutiny (Policy and Performance) Committee's recommendations (c) and (d) relating to heritage value and listed building status be rejected for the time being, pending the outcome of other actions. Cabinet noted that there were no restrictions on who could make an application for listed building status, and that listed building status could potentially limit the future use of the building.	Not applicable.
(e)	That an immediate inspection of the Regent Cinema building be undertaken by Officers to look at whether a Section 215 notice can be issued and a report be provided to a future meeting of the Scrutiny (Policy and Performance) Committee outlining the action taken.	That an immediate inspection of the Regent Cinema building be undertaken by Officers to look at whether a Section 215 notice can be issued and a report be provided to a future meeting of the Scrutiny (Policy and Performance) Committee outlining the action taken. Cabinet noted that Officers had visited the site the preceding week, and that the Section 215 process could potentially take up to 5 months should the developer appeal against the notice.	Planning Enforcement officers had visited the site on several occasions and the site was now tidier. In addition, the owners had undertaken the work that officers had requested to be made to the site. At this point there was no need to use Section 215 powers.

	Scrutiny Recommendation (September 2016)	Cabinet Decision (October 2016)	Action (as at February 2017)
(f)	That immediate enforcement action be taken to ensure compliance with the covenant on the permitted use of the Regent Cinema building.	It was agreed that the Scrutiny (Policy and Performance) Committee's recommendation (f) relating to enforcement action on covenant compliance be rejected since it was considered that it would not be appropriate to take enforcement action whilst the deadlines for submitting outline and full planning applications were outstanding. Cabinet noted that this matter would be reviewed, if necessary, at the appropriate time.	Members were advised that the owners of the Regent Cinema had been reducing the use of the building for other purposes and at the end of the six month period the Council would review the usage of the building. In respect of the covenant on use of the site, it was stated that this would apply indefinitely and could not be released without the Council's agreement.
(g)	That a local fire officer be requested to conduct an immediate inspection of the Regent Cinema building.	That a local Fire Officer be requested to conduct an immediate inspection of the Regent Cinema building. Cabinet noted that the request had already been made and the outcome was awaited.	An inspection was undertaken and limited recommendations were made which have subsequently been completed.
(h)	That the Director of Environment and Corporate Assets be requested as a matter of urgency to investigate if the condition of the Regent Cinema building is adversely affecting the Timeball Tower and take appropriate action.	That the Director of Environment and Corporate Assets be requested as a matter of urgency to investigate if the condition of the Regent Cinema building is adversely affecting the Timeball Tower and take appropriate action. Cabinet noted that this matter was being investigated.	There were no concerns in the short term about the Regent Cinema building impacting on the Timeball Tower.

	Scrutiny Recommendation (September 2016)	Cabinet Decision (October 2016)	Action (as at February 2017)
(i)	That Officers be asked to investigate whether the correct level of business rates has been paid on the Regent Cinema building for its actual use over the last six years and the findings, including any action taken as a result, be reported to a future meeting of the Scrutiny (Policy and Performance) Committee.	That Officers be asked to investigate whether the correct level of business rates has been paid on the Regent Cinema building for its actual use over the last six years and the findings, including any action taken as a result, be reported to a future meeting of the Scrutiny (Policy and Performance) Committee. Cabinet noted that this matter was being investigated.	It was confirmed that the correct level of business rates had been paid.
(j)	That a report be submitted to a future meeting of the Scrutiny (Policy and Performance) Committee on the feasibility of the Council undertaking a Compulsory Purchase Order in respect of the Regent Cinema building in the event the developer does not take the requested actions.	That a report be submitted to a future meeting of the Scrutiny (Policy and Performance) Committee on the feasibility of the Council undertaking a Compulsory Purchase Order in respect of the Regent Cinema building in the event the developer does not take the requested actions. Cabinet noted that the Compulsory Purchase procedure should be considered as a measure of last resort and that provision of a report should be subject to the expiry of the planning application deadlines at (b) above.	A Compulsory Purchase Order was a measure of last resort and the Council was waiting for the six month deadline on submitting a planning application to expire. The Director of Environment and Corporate Assets would also be meeting with the Reopen the Regent campaign over the possibility of forming a community interest company.