

Public Document Pack



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25 September 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** will be held in the Council Chamber - Council Offices at these Offices on Wednesday 3 October 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Jemma Duffield on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jemma Duffield", written over a white background.

Chief Executive

Scrutiny (Community and Regeneration) Committee Membership:

L A Keen (Chairman)
G Cowan (Vice-Chairman)
T A Bond
P I Carter
N Dixon
R J Frost
P J Hawkins
P D Jull
M J Ovenden
N A G Richards

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 5)

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

4 **MINUTES** (Pages 6 - 10)

To confirm the Minutes of the meeting of the Committee held on 6 June 2018 (attached), 4 July 2018 and 12 September 2018 (to follow).

5 **PUBLIC SPEAKING**

Please note that in accordance with the agreed Protocol for Public Speaking at Overview and Scrutiny, the right to speak does not apply to any items on the agenda.

The right of the public to speak does not apply to the following agenda items: Apologies, Appointment of Substitute Members, Declarations of Interest, Minutes, the Forward Plan, the Scrutiny Work Programme, any agenda item that is not accompanied by a written report and items that are exempt business.

6 **DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE**

The following decisions were taken by the Cabinet at its meeting held on 1 October 2018 in respect of recommendations from the Scrutiny (Community and Regeneration) Committee:

- Gypsy, Travellers and Travelling Showpeople Accommodation Assessment

7 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE**

There are no items for consideration.

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

- (a) Items placed on the agenda by a Member of the Committee or any individual Non-Executive Member

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

There are no items for consideration.

- (b) Call-In

Executive Decisions may be called-in by the Chairman or Spokesperson of the Scrutiny (Policy and Performance) Committee or any three non-executive members. Call-Ins are heard by the Scrutiny (Policy and Performance) Committee unless it decides to refer the matter to the Scrutiny (Community and Regeneration) Committee.

There are no items for consideration.

(c) Public Petitions

There are no items for consideration.

9 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 11 - 14)

It is intended that Members should use the Notice of Forthcoming Key Decisions to identify topics within the remit of the Committee for future scrutiny.

10 **SCRUTINY WORK PROGRAMME** (Pages 15 - 16)

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

11 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 17)

The recommendation is attached.

MATTERS 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

12 **REDEVELOPMENT OF WILLIAM MUGE AND SNELGROVE SITES** (Pages 18 - 29)

To consider the attached report of the Director of Environment and Corporate Assets.

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 Jemma Duffield, Democratic Services Officer, telephone: (01304) 872305 or email: democraticservices@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.

Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 6 June 2018 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: T A Bond
P I Carter
R J Frost
P J Hawkins
P D Jull
M J Ovenden

Officers: Environmental Protection Manager
Democratic Services Manager
Democratic Services Officer

1 APOLOGIES

There were no apologies for absence received from Members.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meetings held on 25 April 2018 and 15 May 2018 were deferred to the next meeting of the Committee.

5 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.

6 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

It was noted that at the meeting of Cabinet held on 4 June 2018 answers were provided (CAB 5) to the Scrutiny (Community and Regeneration) Committee's recommendations made at its meetings held on 25 April (Minute No 114) and 25 May 2018 (Minute No 120).

7 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration.

8 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 for consideration.

9 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.

10 SCRUTINY WORK PROGRAMME

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

Members requested that the following items be added to the work programme:

- East Kent Housing be asked to attend a meeting of the Committee in September to provide an update in respect of tenant representation arrangements.
- That local health service providers (EKHUFT and South Kent Coast CCG) be asked to attend a meeting of the Committee to discuss local health care arrangements.

RESOLVED: That the Work Programme be noted subject to the addition of East Kent Housing and scrutiny of local health care arrangements to the work programme.

11 NOISE NUISANCE

The committee welcomed the Environmental Protection Manager to answer the questions it had set on the issue of Noise Nuisance; written answers were provided at the meeting and any supplementary questions during the meeting were answered.

Q1. When does noise become a nuisance?

The main piece of legislation that dealt with noise nuisance was the Environmental Protection Act 1990. Section 79(g) and 79(ga) of the Act stated

the following matters constitute "statutory nuisances" for the purposes of the Part, that is to say –

noise emitted from premises so as to be prejudicial to health or a nuisance

noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street.

Prejudicial to health meant injurious, or likely to cause injury, to health.

The act did not define statutory nuisance. However it had often been as a material interference with a person's use or enjoyment of their land or property.

There was no specific level when noise was considered to be a statutory nuisance as a certain level of noise may have been a nuisance in a rural hamlet but not so in a busy urban area. This was stated in a very old piece of case law when the judge observed that

“what would be a nuisance in Belgrave Square would not necessarily be so in Bermondsey”

Several factors were therefore taken into account when deciding if noise was a statutory nuisance, e.g.

- Reasonableness
- Loudness
- Duration
- Frequency
- Nature and locality of area
- Time of day
- Avoidability
- Malicious behaviour

Q2. Where can the guidance on what constitutes a noise nuisance be found? Is there a difference for noise in the daytime and noise at night?

There were many websites giving guidance. Some examples being:

- <https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints>
- https://www.noisenet.org/Noise_Enviro_stat3.htm
- <https://www.environmentalaw.org.uk/rte.asp?id=76>

Day and night were considered differently as touched upon above. Noise at a certain level may not be a problem at 2pm in the afternoon but could cause severe disturbance at 2am.

The Environmental Protection Manager agreed to send the case law that was used most regularly when considering complaints to Councillor P Jull as requested.

Q3. How do you complain about noise disturbances at night?

Complaints could be reported online or by phone. A case file was then opened and diary sheets sent out. If the noise occurred regularly at night access could be given to the Council's out of hours (OOH) noise service which operated on Fridays and Saturdays between 8pm and 3am. The service also operated at the same time on a Sunday if the following Monday was a public holiday. Callers with a reference number could access the service. Alternatively if 3 independent calls were made about the same noise source the matter would be passed to the noise officer. Officers may also carry out proactive OOH visits in liaison with complainants.

Officers were only available during the OOH times as had been previously mentioned. Any complainants phoning outside of those hours would be asked to complete diaries. If a trend in the times of the disturbances could be established officers would respond proactively and plan visits at those times, if necessary. Members were advised that there was no requirement on any local authority to provide an OOH service. Officers provided the service on an overtime basis rather than it being with officer's contracts.

Members reported having received complaints from some residents who had access to the OOH service. They had reported the telephone line appeared to go quiet and would leave them thinking they had been cut off. The Environmental Protection Manager was aware this had previously been a problem and believed it had been rectified. He would enquire with EKServices who were responsible for the telephones and provide an update to Members.

Q4. Is recreational noise treated differently from industrial noise?

In general, no. Officers would take all of the factors outlined in Q1 into account in deciding if it was likely that the noise could be considered a statutory nuisance. A one-off domestic party would be treated differently than regular noise from licensed premises. However if noise was made on an industrial trade or business premises there was a defence that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

The Control of Pollution Act allowed officers to limit industrial noise hours.

Q5. Are domestic noise complaints about neighbours treated differently from non-domestic noise – i.e. events, business, etc.? Is the legislation different?

See answer to Q4. If there were persistent noise problems from licensed premises then officers could call for a review of the licence.

Both would be treated equally.

Q6. Can people complain about pre-existing noises? E.g. from a public house, school or factory that has operated?

Yes.

Q7. Do the noise regulations apply to bird scarer guns, particularly when deployed next to residential areas?

Yes.

Members were advised that the National Farmers Union (NFU) had its own code of practice, and although not set in law, officers would consider whether the correct guidance had been followed and whether it was deemed reasonable.

Q8. Do moped riders who ride through towns with altered manifolds constitute a noise nuisance?

Potentially, as the Act did refer to noise from vehicles, machinery, and equipment on the street. However it was likely that such bikes were not road legal so officers would work with Kent Police in these cases.

Councillor L Keen had attended a seminar provided by the Community Safety Unit and had discussed the issue of nuisance motorbikes. Members were encouraged to advise residents to report noise nuisances from motorbikes to the Police (101) in addition to the Community Safety Unit.

Q9. How many times over the last year or so has sound equipment been seized because of noise complaints – for domestic and business premises?

None.

Noise equipment could be seized from both domestic and commercial premises although this is was a last resort.

Q10. Does noise constitute a reason for re-banding of a property's Council Tax due to loss of amenity?

The Valuation Office Agency had the capacity to re-band properties when certain circumstances changed. This may be if there had been a material reduction in the value of a property on the basis that there had been a change in the physical state of the dwellings locality (e.g. the opening of a motorway).

The Committee thanked the Environmental Protection Manager for attending the meeting.

The meeting ended at 7.07 pm.



Notice of Forthcoming Key Decisions

[This updated version of the Notice supersedes all other versions issued in previous months]

Publication Date: 31 August 2018

Notice of Forthcoming Key Decisions which will be made on behalf of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
1	Neighbourhood Plans	June 2013 and ongoing (see entry)
2	Review of Tenancy Strategy and Tenancy Policy	To be confirmed
3	Review of Local Plan	(i) 1 March 2017; (ii) 1 October 2018; and (iii) June/July 2019
4	Property Acquisitions	Ongoing (decisions to be taken by Portfolio Holder for Corporate Resources and Performance)
5	To consider an options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase	2 July 2018
6	Dover Waterfront Masterplan Area Action Plan	This decision will now be incorporated into the Local Plan Review
7	Planning Enforcement Plan	10 September 2018
8	Representations on the Thanet District Council Local Plan	1 October 2018
9	To seek approval for public consultation on the draft Sandwich Walled Town Conservation Area Appraisal	Dates to be confirmed
10	Hackney Carriage and Private Hire vehicles - access for wheelchair users	5 November 2018
11	Development of a social lettings agency	October-December 2018 (to be confirmed)
12	Approval of project to develop housing to be occupied on an interim basis by homeless households	14 May 2018
13	To seek Cabinet approval for public consultation on draft Upper Deal Conservation Area Character Appraisal	Dates to be confirmed
14	Letting of the café/restaurant on Deal Pier	Decision to be taken by the Portfolio Holder for Property Management and Environmental Health (September)
15	Aylesham Village Expansion – Acquisition of third-party land	October-December 2018

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
16	Statement of Community Involvement	14 May and 10 September 2018
17	Dover District Council Local Development Scheme	14 May 2018
18	Kent Environment Strategy	14 May 2018
19	Transfer of Freehold of Sandwich Guildhall	2 July 2018
20	Sandwich Historical Boatyard	Decision taken by the Leader of the Council on 15 June 2018
21	To decide on requirements for a new Public Spaces Protection Order following public consultation	2 July 2018
22	To consider the cessation of cash and cheque transactions at Council Offices	This item has been withdrawn
23	Creation of a local property company	This item has been withdrawn
24	Contaminated land strategy	2 July 2018
25	Consideration of pest control provision	Decision to be taken by the Portfolio Holder for Property Management and Environmental Health (September)
26	Award of contract for Kearsney Abbey café building extension	Decision taken by the Portfolio Holder for Property Management and Environmental Health on 1 August 2018
27	Catering provision at Kearsney Abbey and Russell Gardens	1 October 2018 (to be confirmed)
28	Award of contract for landscape and listed structure repairs at Kearsney Abbey	1 October 2018 (to be confirmed)
29	To consider the delimitation of Hackney Carriage vehicles	1 October 2018
30	Award of contract for the refurbishment of Norman Tailyour House	1 October 2018 (to be confirmed)
31	Deed of Variation to the Aylesham Development Agreement	October-December 2018
32	To approve arrangements for the implementation and delivery of infrastructure for a Bus Rapid Transit System connecting Whitfield to Dover town centre	1 October 2018/5 November 2018
33	Redevelopment of William Muge and Snelgrove Houses site, Dover	1 October 2018
34	Grant scheme for commercial property renovations	10 September 2018
35	Approval of Kearsney Abbey café 'Changing Places' facility and contingency fund for café/landscape improvements	10 September 2018
36	Lease of Historic Boatyard, The Quay, Sandwich	Decision taken by the Leader of the Council in June 2018

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
37	Acceptance of grant and allocation of funding for restoration of Maison Dieu (Dover Town Hall)	10 September 2018
38	Purchase of affordable housing in Aylesham	October-December 2018
39	Demolition of Dover Leisure Centre	5 November 2018

- Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Notice of Forthcoming Key Decisions.
- (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 notice. Members of the public can find out whether any alterations have been made by looking at the Council's website (www.dover.gov.uk).

OVERVIEW AND SCRUTINY WORK PROGRAMME 2018/19

SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

Month	Issue	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
6 June 2018	Environmental Health - Noise Nuisance	Single Meeting	Director of Governance	£0	£0	To receive answers to the key questions set by the committee.
4 July 2018	East Kent Housing	Single Meeting	East Kent Housing	£0	£0	To receive answers to the key questions set by the committee and provide an update on tenant representative arrangements.
August 2018	No Scheduled Meeting					
12 September 2018	Gypsy, Travellers and Travelling Showpeople Accommodation Assessment	Single Meeting	Chief Executive	£0	£0	To receive a presentation.
3 October 2018	Redevelopment of William Muge and Snelgrove House Sites	Single Meeting	Director of Environment & Corporate Assets	£0		To consider the report.
7 November 2018	Local Health Services	Single Meeting	External	£0		To scrutinise local health service arrangements [Date to be confirmed]
5 December 2018	Private sector landlords	Single Meeting	Director of Finance, Housing and Community	£0		To scrutinise the arrangements for private sector landlords in the district. [Date to be confirmed]
16 January 2019	Crime and Disorder Update	Single Meeting	Director of Finance, Community & Housing	£0		To receive an update. [Date to be confirmed.]

Month	Issue	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
13 February 2019	Regeneration Update	Single Meeting	Head of Inward Investment	£0		To receive an update. [Date to be confirmed.]
13 March 2019						
3 April 2019						

Please note items beyond the current month are subject to change depending on Forward Plan, etc.

Municipal Year 2018/19

Agreed for Inclusion?	Subject	Resource Implications	Action
Yes	Local Plan	None	To receive updates at milestones in the process. Key dates are October 2018 and July 2019.
Yes	Manston Airport	TBC	Update on the situation in respect of Manston Airport

DOVER DISTRICT COUNCIL

SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE – 3 OCTOBER 2018

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 remainder of the meeting for the remainder of the business on the grounds that the item(s) to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part 1 Schedule 12A of the 1972 Act set out below:

<u>Report Title</u>	<u>Paragraphs Exempt</u>	<u>Reason Exempt</u>
Redevelopment of William Muge and Snelgrove House Sites	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 12

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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