

Public Document Pack



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25 June 2018

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 3 July 2018 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 dark ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

Scrutiny (Policy and Performance) Committee Membership:

K Mills (Chairman)
M I Cosin (Vice-Chairman)
T A Bond
P I Carter
R J Frost
J M Heron
S C Manion
M J Ovenden
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 5)

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

4 **MINUTES**

To confirm the attached Minutes of the meeting of the Committee held on 24 April 2018, 15 May 2018 and 5 June 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 only applies to agenda items 11, 12 and 13.

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.

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

There were no decisions taken by the Cabinet at its meeting held on 2 July 2018 in respect of recommendations from the Scrutiny (Policy and Performance) Committee.

7 **ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) 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 by providing Democratic Support with notice of the matter prior to the agenda being published.

There are no items for consideration.

(b) Items the subject of 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.

There are no items for consideration.

(c) Public Petition

There are no items for consideration.

9 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 6 - 8)

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 9 - 12)

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

11 **PUBLIC SPACES PROTECTION ORDER** (Pages 13 - 26)

To consider the attached report of the Director of Governance.

12 **TIDES LEISURE CENTRE** (Pages 27 - 39)

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

13 **SHORT-TERM PROPOSAL FOR THE FORMER CO-OP BUILDING, CASTLE STREET, DOVER** (Pages 40 - 46)

To consider the attached report of the Director of Environment and Corporate Assets and the Director of Finance, Housing and Community.

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, Democratic Services Manager, 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.



Notice of Forthcoming Key Decisions

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

Publication Date: 1 June 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) October 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	To be confirmed
7	Planning Enforcement Plan	2 July 2018 (to be confirmed)
8	Representations on the Thanet District Council Local Plan	To be confirmed
9	To seek approval for public consultation on the draft Sandwich Walled Town Conservation Area Appraisal	1 October 2018 and date to be confirmed
10	Hackney Carriage and Private Hire vehicles - access for wheelchair users	1 October 2018
11	Development of a social lettings agency	2 July 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	10 September 2018 and date to be confirmed
14	Letting of the café/restaurant on Deal Pier	2 July 2018
15	Aylesham Village Expansion – Acquisition of Third-Party Land	10 September/1 October 2018 (to be confirmed)
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

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
20	Sandwich Historical Boatyard	To be confirmed (decision to be taken by the Leader of the Council)
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	2 July 2018
23	Creation of a local property company	2 July 2018
24	Contaminated land strategy	2 July 2018
25	Consideration of pest control provision	2 July 2018
26	Award of contract for Kearsney Abbey café building extension	2 July 2018
27	Catering provision at Kearsney Abbey and Russell Gardens	2 July 2018
28	Award of contract for landscape and listed structure repairs at Kearsney Abbey	2 July 2018
29	To consider the delimitation of Hackney Carriage vehicles	1 October 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 (POLICY AND PERFORMANCE) COMMITTEE

Month	Issue	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
5 June 2018	Repairs to Parks, Gardens and Churchyards	Single Meeting	Director of Environment & Corporate Assets	£0	£0	To consider the report.
19 June 2018	Dover Leisure Centre Update and site visit (4.30pm)	Single Meeting	Director of Environment & Corporate Assets	£0	£0	To receive an update and conduct a site visit.
3 July 2018	To consider an options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase	Single Meeting	Director of Environment & Corporate Assets	£0		To consider the report. [Identified from Forward Plan for scrutiny]
	Short Term Proposal For The Former Co-Op Building, Castle Street, Dover	Single Meeting	Directors of Environment & Corporate Assets & Finance, Housing & Community	£0		To consider the report.
	To decide on requirements for a new Public Spaces Protection Order following public consultation	Single Meeting	Director of Environment & Corporate Assets	£0		To consider the report. [Identified from Forward Plan for scrutiny]
August 2018	No Scheduled Meeting					

Month	Issue	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
11 September 2018	Planning Enforcement Plan	Single Meeting	Director of Environment & Corporate Assets	£0		To consider the report. [Identified from Forward Plan for scrutiny]
	Creation of a Local Property Company	Single Meeting	Director of Environment & Corporate Assets	£0		To consider the report. [Identified from Forward Plan for scrutiny]
	Performance Report Q1	Single Meeting	Director of Governance	£0		To consider the report.
	Accommodation Charter Update	Single Meeting	Director of Governance	£0		To consider the report.(tbc)
2 October 2018	Update on Universal Credit	On-going	East Kent Housing	£0		To receive an update. (tbc)
6 November 2018						
4 December 2018	Performance Report Q2	Single Meeting	Director of Governance	£0		To consider the report.
15 January 2019						
12 February 2019	Performance Report Q3	Single Meeting	Director of Governance	£0		To consider the report.

Month	Issue	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Scrutiny of the Council's budget	Single Meeting	Corporate Management Team	£0	£0	To scrutinise the Council's budget for 2019/20.
	Fees and Charges	Single Meeting	Corporate Management Team	£0	£0	To be considered as part of the budget scrutiny process.
12 March 2019						
2 April 2019	Performance Report Targets 2018-19	Single Meeting	Director of Governance	£0	£0	To consider the report

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	Property Investment Strategy	Single Meeting	Director of Finance, Housing and Community	£		To receive an update
Yes	Dover Town Centre Regeneration	Meeting of both scrutiny committees	Corporate Management Team	£		To hold a meeting of both scrutiny committees to consider the proposals for the regeneration of the wider town centre.
Yes	Dover Leisure Centre	On-going	Director of Environment and Corporate Assets	£0		To consider reports at each relevant stage in the process.

Yes	Digital Strategy	Single Meeting	Head of Community Services	£		To receive an update on the Council's digital strategy.
Yes	Lorry Parking in the Dover District	On-going	Various	£		To consider issues of illegal and anti-social lorry parking in the wider District.
Yes	Open Championship Golf	On-going	Corporate Management Team	£		To receive updates at appropriate milestones.

08Subject:	PUBLIC SPACES PROTECTION ORDER
Meeting and Date:	Cabinet – 2 July 2018
Report of:	David Randall, Director of Governance
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Health
Decision Type:	Key
Classification:	Unrestricted
Purpose of the report:	To seek Cabinet authorisation to extend and vary the Public Spaces Protection Order made in July 2015, relating to dogs, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 and to seek authority to undertake a further period of consultation relating to suggestions made during the initial consultation period.
Recommendation:	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Authorise the extension of the existing Public Spaces Protection Order (the Order) for a period of 3 years, in accordance with s.60(2) of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act). 2. Having regard to the conditions within s.59 of the Act, agree to vary the Order in accordance with s.61(1)(a) of the Act. 3. Delegate authority to the Head of Regulatory Services to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. 4. Authorise the setting of the amount of any fixed penalty notice issued under s.68 of the Act at £75. 5. Authorise a further period of statutory and public consultation in relation to the inclusion of areas identified in Appendix 3.

1. Summary

- 1.1 On 5 March 2018 Cabinet authorised the commencement of necessary consultation on a Public Spaces Protection Order (PSPO) relating to dog control within the District. This was carried out in accordance with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act). The consultation ran from 12th March 2018 until 09th April 2018. Comments received have been taken into consideration and approval is now sought to extend and vary the PSPO.

2. Introduction and Background

- 2.1 Prior to 27 July 2015 the exclusion and restriction of dogs from certain areas was dealt with under a number of byelaws. Fouling addressed through use of the Dogs (Fouling of Land) Act 1996. The Anti-social Behaviour Crime and Policing Act 2014 enabled local authorities to create Public Spaces Protection Order in their areas.
- 2.2 The current PSPO came into force on 27th July 2015 and created 4 offences. This covered
- Failing to remove dog faeces (covering the whole district).
 - Failing to put a dog on a lead after a request by an authorised officer (covering the whole district)
 - Failing to keep a dog on a lead in specified places.
 - Allowing a dog into specified areas where a dog exclusion applies
- 2.3 Unless specified the PSPO covers

“any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”.

This definition is detailed under section 74(1) of the Act.

- 2.4 In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.60(2). This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order. Any extension must be agreed before the expiry of the previous Order.
- 2.5 The introduction of the order has led to the issue of 111 fixed penalty notices, 82 warnings and 11 prosecutions. This illustrates the need for the extension along with the continued protection of children’s play areas. The maximum extension permitted is 3 years. Given that fouling and dog control is an ongoing issue it is felt this is warranted. The order may also be varied within this 3 year period.
- 2.6 Cabinet are therefore requested to extend the PSPO for a further 3 years, meaning it would have effect until 27 July 2021.
- 2.7 Cabinet will further note that there were a few suggested variations to the Order made as part of the consultation process. A summary of these can be found at Appendix 2. A PSPO can be varied under s.61(1) of the Act, by increasing or reducing the restricted areas to which it applies. In order to apply the provisions of the PSPO to areas which had not previously been covered, Cabinet must be satisfied that the conditions in ss.59(2) & (3) of the Act apply. These read as follows:

(2) The first condition is that—

- (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or*
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*

(3) The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,*
- (b) is, or is likely to be, such as to make the activities unreasonable, and*

(c) justifies the restrictions imposed by the notice.

- 2.8 The consultation resulted in 179 responses. Many of these were supportive, especially of the continued exclusion of dogs from children's play areas. The following paragraphs summarise the main areas where comment was made.
- 2.9 The main area of objection was the proposal to exclude dogs from the sports pitches behind Tides Leisure Centre in Deal. The area was included because it was believed regular football matches were played there. However many consultees have pointed out the area is rarely used for football and was only booked 24 times in the last year. People feel this is a safe enclosed area to walk dogs in middle Deal and is very popular with dog walkers. It has also been noted the Deal Sunday League football has moved to Dover. There were 67 objections to this. This proposal to exclude dogs from this area is therefore withdrawn.
- 2.10 Several requests were also made to relax the times dogs are permitted on beaches in the months between 1 May to 30 September. Dogs are currently banned between the hours of 9am and 8pm. It is felt these hours take into account both dog users and those who wish to avoid them whilst on the beach. The Council have also been working with Southern Water on their Bathing Water Enhancement Programme to ensure the 'excellent' quality is maintained at Deal. Any increase on the hours dogs are allowed would impinge on this. This has therefore not been changed.
- 2.11 Dover Promenade. 1 person was in favour of the proposed changes but 3 others felt the current exclusions and on leads requirements should be maintained. There is therefore no change from the 2015 controls.
- 2.12 St Margaret's Bay. 5 comments. Four in agreement with the proposals.
- 2.13 Aylesham & Snowdon Welfare Sports Pitches. There were 11 comments on this with 6 agreeing with the proposed exclusion, 1 partly agreeing and 4 objecting. Given that there are other areas to walk dogs nearby it was felt this exclusion was warranted.
- 2.14 When deciding whether to make requirements or restrictions on dogs and their owners, the Council needs to consider whether there are suitable alternatives for dogs to be exercised without restrictions. It is felt there are numerous areas throughout the district where owners can take their dogs for exercise. The proposals therefore offer a balanced approach recognising the needs of the dog owning community as well as the general public.
- 2.15 The proposed PSPO, including detailed maps, is attached as Appendix 1.
- 2.16 If Cabinet are minded to authorise the extension and variation of the PSPO, there is a further requirement for publicity within the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. These require that where a local authority has made a PSPO, they must publish it on their website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.
- 2.17 Appendix 2 details the changes made to the proposals consulted on between 12th March 2018 and 09th April 2018.

- 2.18 Requests were also made to add areas to the PSPO, e.g. dogs banned from beaches at all times, include the whole of William Pitt Recreation ground rather than just children's area. Whilst all of these were considered it was felt only the areas below should be added
- Parish Council request for St. Augustine's Church in East Langdon to be dogs on leads only
 - Staff at Gazen Salts Nature Reserve in Sandwich requested that the current requirement for dogs on leads be changed to exclusion. This is because the site is important for nesting birds, water voles and other nationally threatened species.
 - Churchwarden of St Clements in Sandwich has requested dogs on leads only.
 - Kent Wildlife Trust has requested a dogs on lead and dogs exclusion area is added in the area around Sandwich/Pegwell Bay & Princes Golf Course dunes.
 - Extend the area of dog exclusion to include the now enclosed children's play area by Whitfield Recreation Ground.
 - Extend the dogs on lead area in Hamilton Road Cemetery to cover additional area used for burials.
 - Extend the dogs on lead area in Kearsney Abbey to cover the area known as Mill Ruins. This is requested as a result of a dog off lead attack leading to the death of a swan and 5 cygnets.

Maps of these sites are attached as Appendix 3.

Cabinet is requested to authorise further consultation on the inclusion of the above sites. If permission is granted further consultation will take place before submission of a Cabinet Report detailing any proposed variations to the PSPO 2018.

- 2.19 The measures do not apply to assistance dogs.

3. Identification of Options

- 3.1 Option 1 - Authorise the extension and variation of the PSPO as detailed in Appendix 1.
Option 2 - Refuse to extend and vary the PSPO and return to the dog controls in place prior to 27th July 2015.

4. Evaluation of Options

- 4.1 Option 1 – The recommended option. The overall aim of continuing with a PSPO is to
- maintain a comprehensive and consistent approach to the control of dogs in the district,
 - balance the needs of dog owners and other members of the community,

- 4.2 Option 2 – Returning to the controls in place prior to 27 July 2015.

Large areas of the District would not be covered and there are inconsistencies in the level of FPN issued, i.e. someone throwing litter may be issued with an FPN of £75 whilst failing to pick up dog faeces may result in the issue of an FPN of £50. Many enclosed children's parks would no longer be covered. Breach of byelaws can only be dealt with through prosecution. This is a timely and costly process.

5. Resource Implications

- 5.1 Signs shall be erected/altered advising of the new restrictions. This will cost in the region of £400 and can be met from existing budgets.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB)
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to add.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties 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>.

7. **Appendices**

[Appendix 1 – Proposed Public Spaces Protection Order \(Dover District Council\) 2018](#)

Please note the document at the above link is almost 40Mb in size so may take time to download.

Appendix 2 – Summary of changes made as a result of consultation carried out between 12 March 2018 and 9 April 2018.

Appendix 3 – Proposed additional dog exclusion and dogs off lead areas requiring further consultation.

8. **Background Papers**

Public Spaces Protection Orders - Extract from Anti-Social Behaviour, Crime and Policing Act 2014 statutory guidance

Contact Officers: Paul Neagle
Environmental Protection Manager
envhealth@dover.gov.uk
01304 872291

Andrzej Kluczynski
Environmental Crime Team Leader
envcrime@dover.gov.uk
01304 872096



Appendix 2.

Changes made to Schedule 1 – Keeping of Dogs on lead of the proposed PSPO, presented to Cabinet on 05th March 2018, further to consultation carried out between 12th March 2018 and 09th April 2018.

Map on 05/03/18 proposal.	Map on 02/07/18 proposal.	Change from 05/03/18 proposal.	Site and grounds for proposals.
Map 13	Map 13	Proposed changes from current PSPO withdrawn	The beach at Dover Seafront, Waterloo Crescent & Marine Parade. To retain the current dogs on lead proposals. Only 4 comments but 3 were in favour of keeping the current restrictions

Changes made Schedule 2 – Dog exclusion areas of the proposed PSPO, presented to Cabinet on 05th March 2018, further to consultation carried out between 12th March 2018 and 09th April 2018.

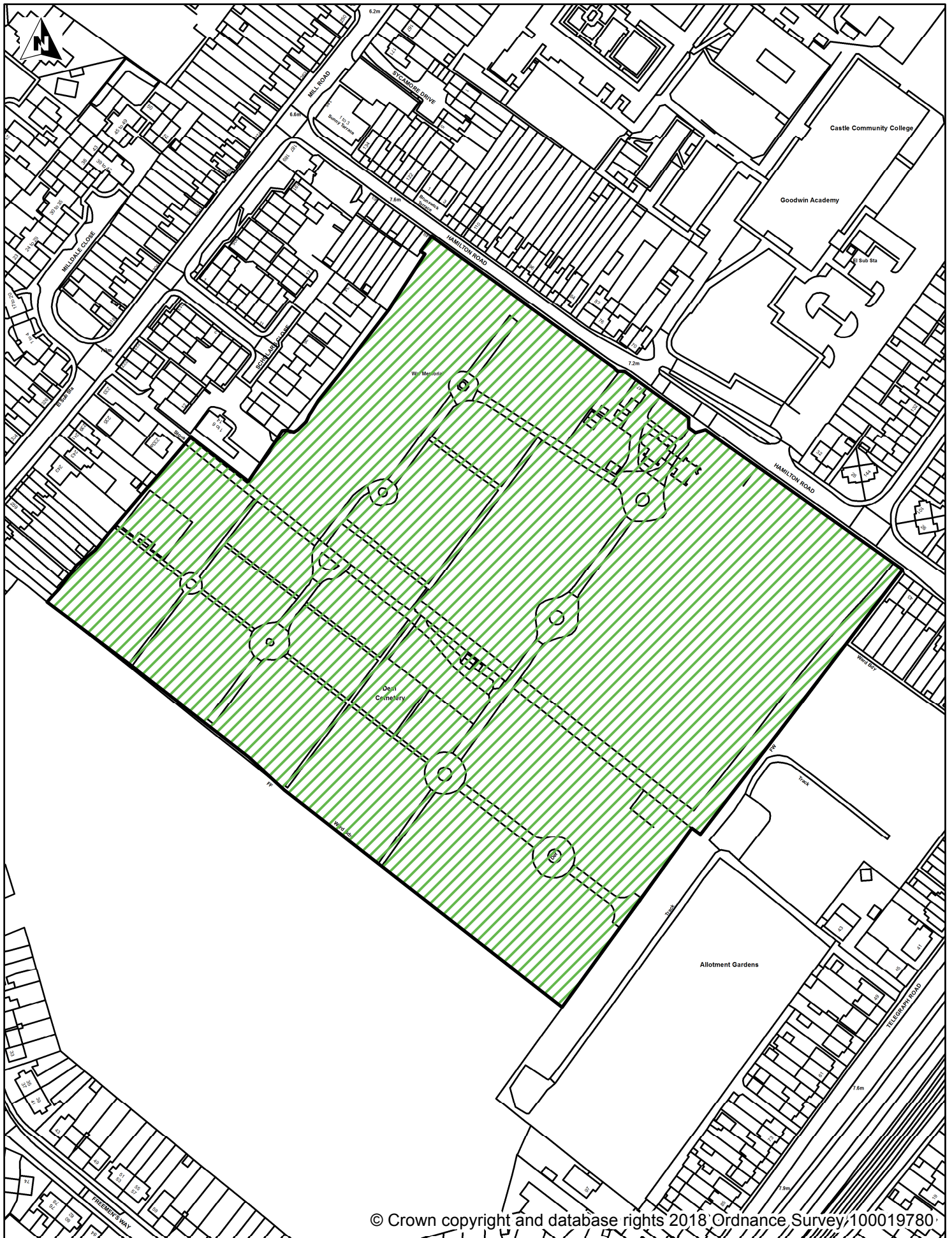
Map on 05/03/18 proposal.	Map on 02/07/18 proposal.	Change from 05/03/18 proposal.	Site and grounds for proposals.
Map 11	Removed	Withdrawn form proposal	Sports pitch to the rear of Tides Leisure Centre, Deal. Tide is rarely used for football. Commonly used for safe dog walking by locals.
Map 20	Map 19	Proposed changes from current PSPO withdrawn	The beach at Dover Seafront, Waterloo Crescent & Marine Parade. To retain the exclusion area by the last groynes at corner of Premier Inn. Only 4 comments but 3 were in favour of keeping the current restrictions
The only other changes to the Schedule 2 from the document of 05 th March 2018 are numerical, i.e. some maps have been renumbered due to the removal of Map 11.			



Appendix 3

Summary of proposed variations to July 2018 PSPO.

1. Hamilton Road Cemetery, Deal
2. St Augustine's Churchyard East Langdon
3. Walkway that runs adjacent to River Dour leading to Kearsney Abbey (Café side) accessed from Minnis Lane
4. Sandwich Nature Reserve,
5. St Clements Churchyard, Sandwich
6. Sandwich Bay
 - a. Prince Golf Course Dunes (Dogs on Leads)
 - b. Sandwich Mudflats and Salt Marshes (Dog Exclusion)
7. Enclosed Children's Play Area, Whitfield Recreation Ground.






**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 1

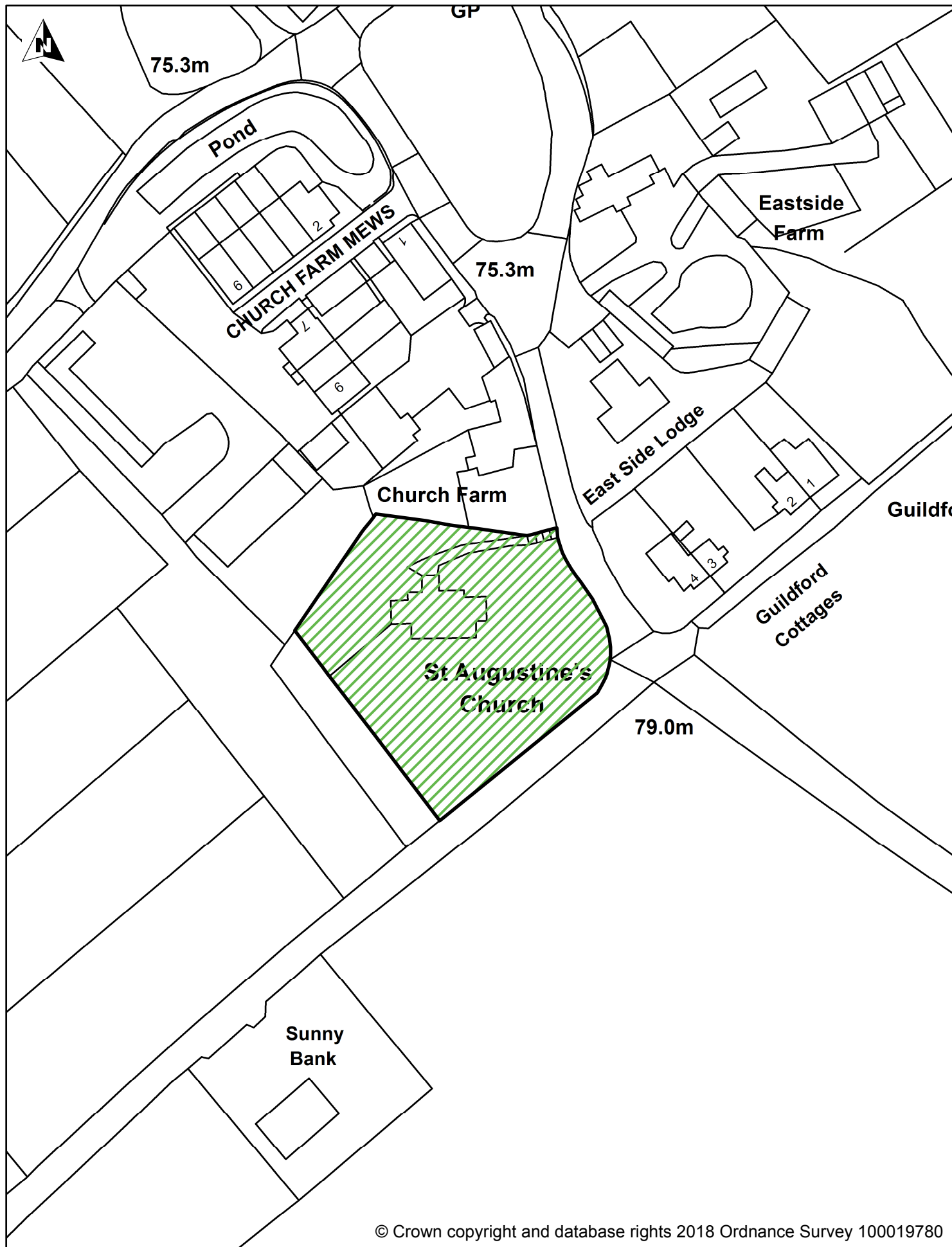
Hamilton Road Cemetery, Deal

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 2

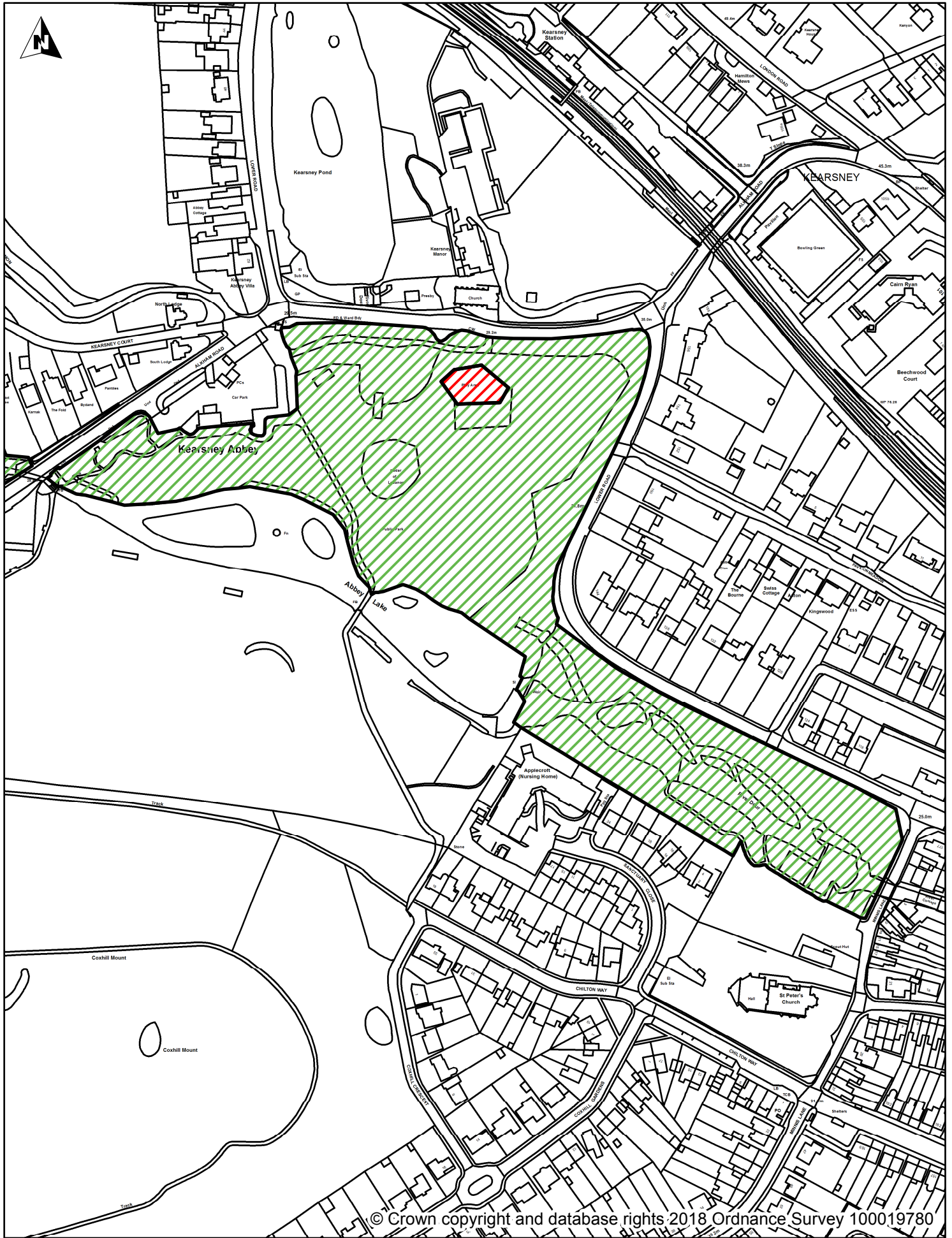
St Augustine's Churchyard, The Street, East Langdon

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 3

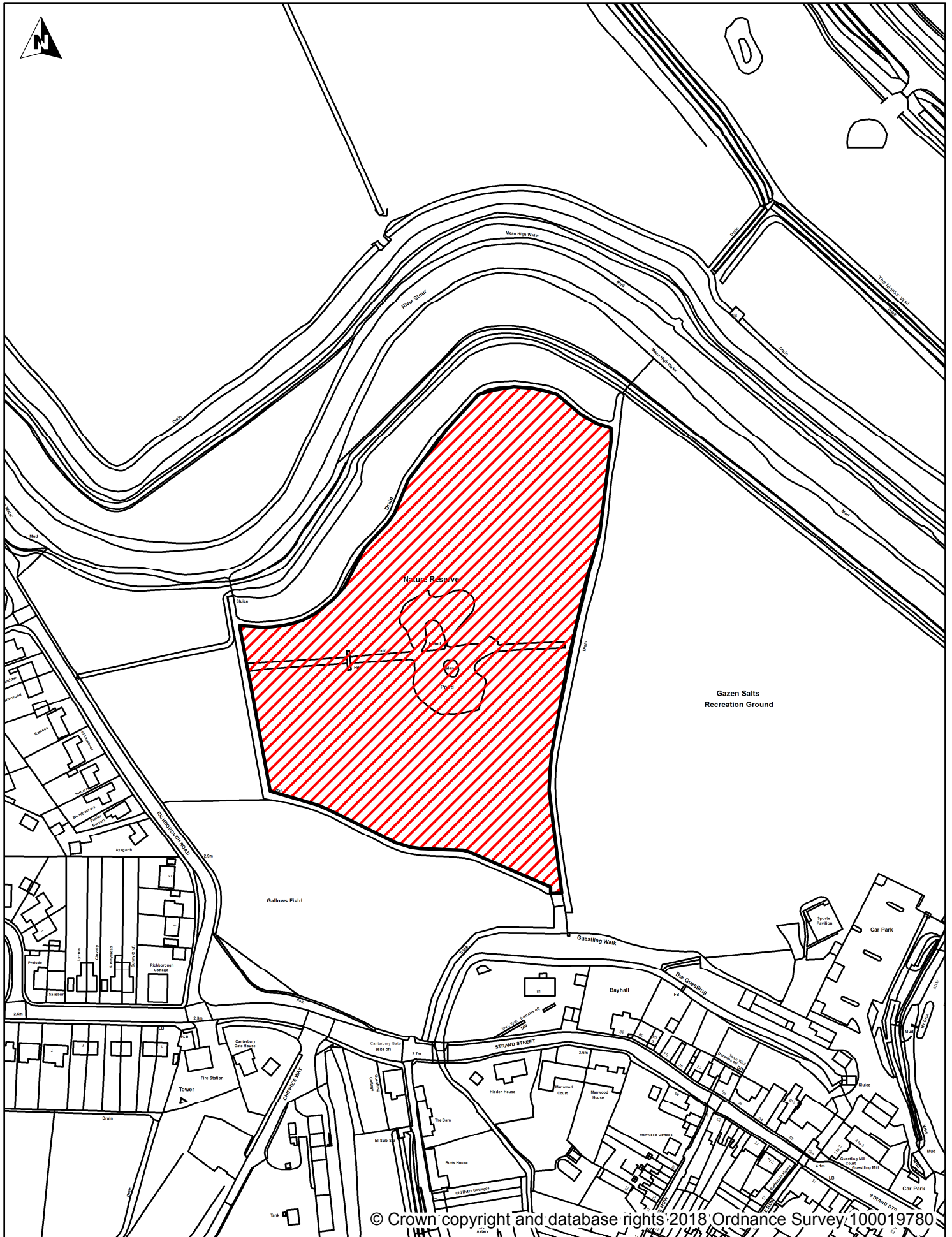
**Kearsney Abbey (Cafe Side) and Walkway Adjacent
Abbey Lake Accessed from Minnis Lane**

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 4

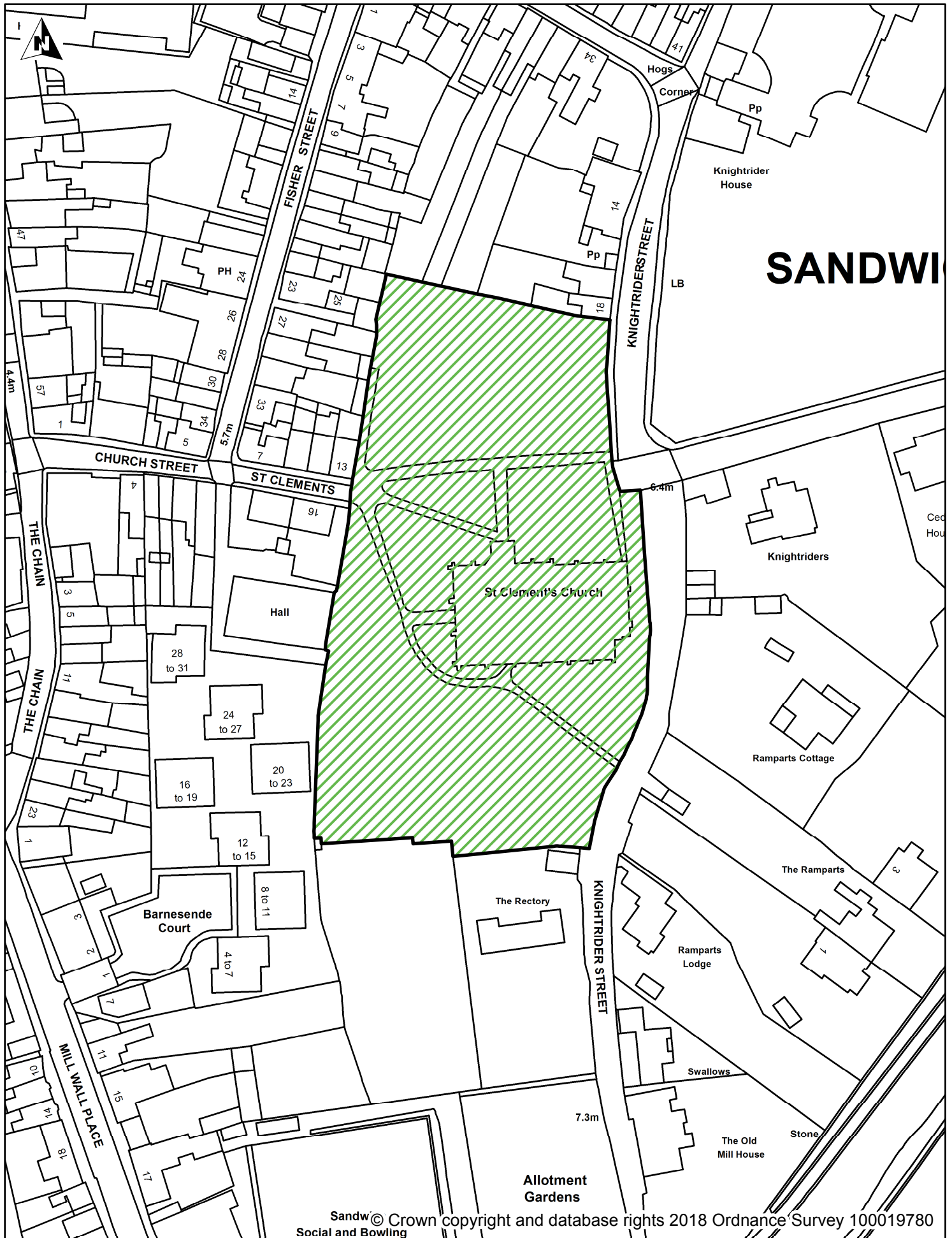
Sandwich Nature Reserve Off Gazeon Salts, Sandwich

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans






Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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Social and Bowling

Dover District Council Public Spaces Protection Order Proposed Variation:-

Legend

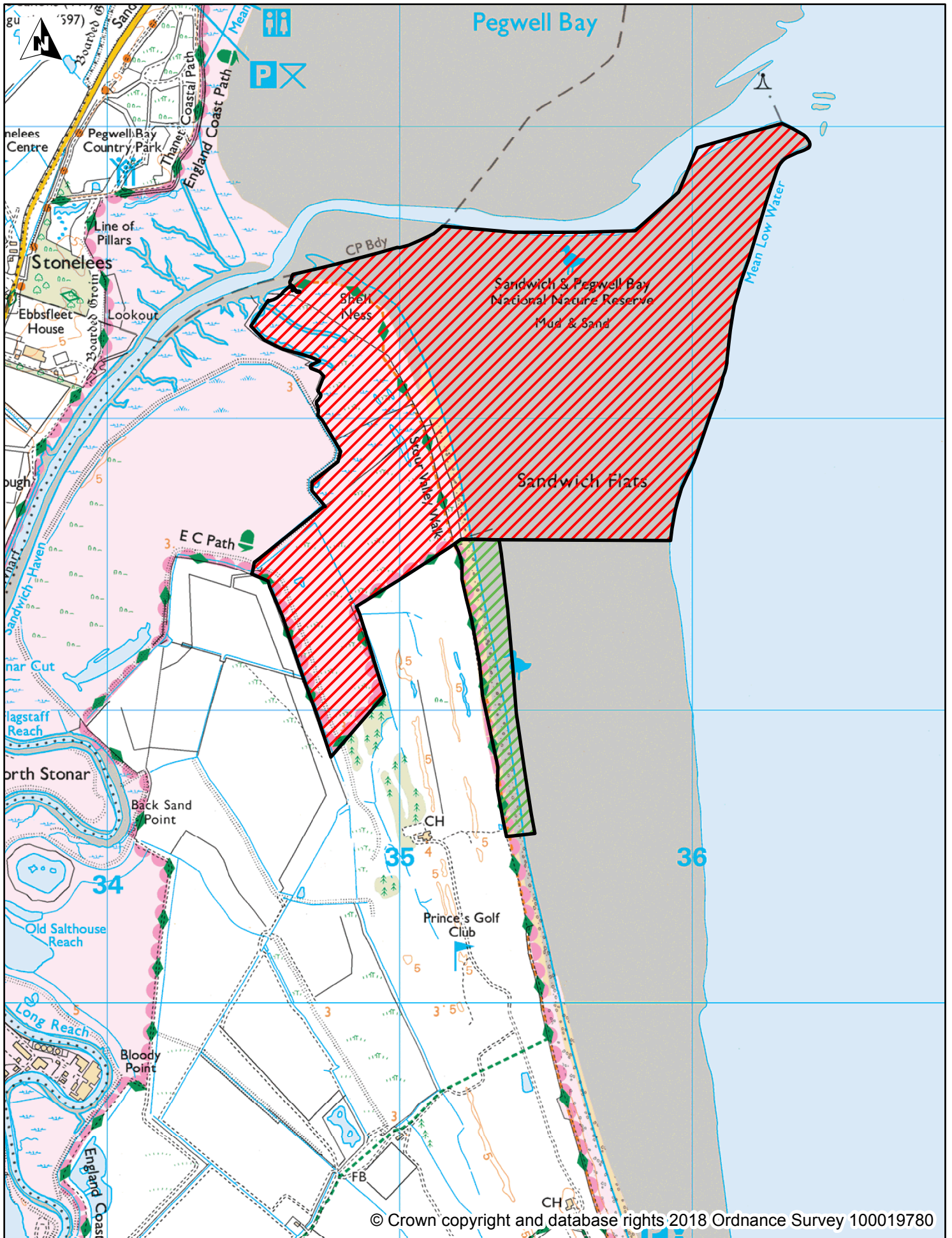
-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

Map 5

St Clement's Churchyard, Knightrider Street, Sandwich






**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 6

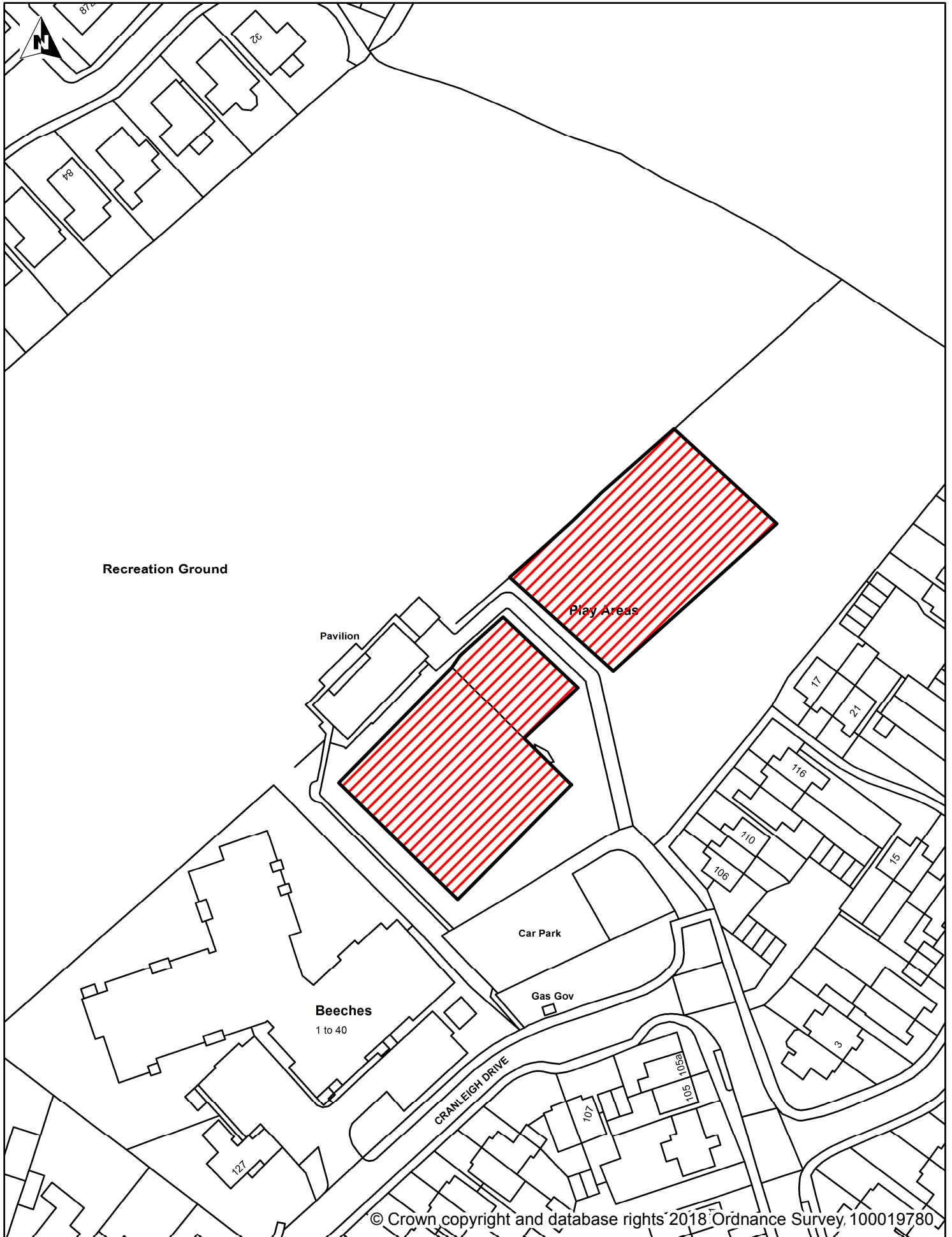
**Princes Golf Course Dunes and Sandwich Bay Mudflats
and Salt Marshes**

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans






Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

Map 7

**Enclosed Children's Play Areas and MUGA, Whitfield
Recreation Ground off Cranleigh Drive, Whitfield**

Subject:	TIDES LEISURE CENTRE
Meeting and Date:	Cabinet – 2 July 2018
Report of:	Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Key Decision
Classification:	Unrestricted
Purpose of the report:	<p>To update Cabinet on the findings of an Options Appraisal regarding Refurbishment and Extension of Tides Leisure Centre, and to seek Cabinet agreement on whether, and how best, to proceed, in particular agreeing appropriate next steps to develop the project.</p> <p>To seek approval for expenditure of £610,000 on plant refurbishment works to address essential maintenance issues at Tides, and for further development of the preferred options.</p> <p>To seek approval for allocation of £100,000 to address any emergency works that may arise while the preferred options are investigated.</p>
Recommendation:	<p>Cabinet is asked to:</p> <ol style="list-style-type: none"> 1. Consider the options set out in the report attached at Appendix 1 for the future provision of wet and dry indoor leisure facilities at Tides, and agree to continue investigating two preferred options. 2. Approve £710,000 from the Tides Leisure Centre Refurbishment Project included in the Medium-Term Financial Plan as follows: <ul style="list-style-type: none"> • £600,000 for urgent plant refurbishment works to address essential maintenance issues at Tides; • £10,000 to support the next stage of project development through further investigation of preferred options; • £100,000 provision to meet the cost of any emergency works that arise while the preferred options are being investigated. 3. Delegate authority to the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, to accept the best value for money tender for urgent plant refurbishment works.

-
4. Authorise the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, to engage with prospective partners and funders on the opportunities for financing the preferred options.
-

1. Summary

- 1.1. Tides Leisure Pool, Deal was opened in 1987 and given that much of the mechanical and electrical plant is now more than 30 years old, is likely to require significant capital investment over the coming years. Without such investment there is an increasing risk of frequent or permanent pool closure because a number of essential plant items are reaching end of life.
- 1.2. In addition, the fitness gym is small by current standards and is located in the basement in a non-purpose built environment that partly consists of a converted former health suite. A sum of £2.2M has been allocated within the Council's Capital Programme for refurbishment works, which could be used to address a number of the plant requirements, but that would not resolve the shortcomings of the fitness suite. A project to expand and improvement of the fitness suite would increase income to the centre, and therefore could be partly or even fully self-financing. Rather than attempt to address the plant and fitness suite issues piecemeal it was considered prudent to undertake a holistic investigation of the best way to proceed, by means of an initial feasibility appraisal of options.
- 1.3. The appraisal undertaken identified two preferred options of either (i) creating enhanced leisure water and dry side expansion (option 2B) or (ii) demolition and construction of new wet and dry facilities (excluding the sports hall and tennis centre). The refurbishment option has a lower capital cost, but is likely to result in a less efficient and lower quality facility than a new build solution offers, and the risk of unforeseen complications is high. The second option of demolition and re-build has a significantly higher capital cost but would create a more efficient and higher quality facility that is likely to last much longer than the refurbishment option and therefore can support a higher level of borrowing. Unfortunately, even taking the Medium Term Financial Plan (MTFP) allocation into account the appraisal identified an estimated funding gap of £2.3M and £2.4M for these options respectively.
- 1.4. Whilst no clearly superior, affordable option has emerged a solution needs to be found to secure the long term future of wet and dry facilities at Tides given the importance of these facilities to the local community, which was recognised within the Council's Indoor Sports Facility Strategy.
- 1.5. Based on the work undertaken so far it is clear that the two preferred options are worthy of further consideration, incorporating investigation of possible funding sources to bridge the affordability gap. For example, the current review of the Local Plan may present an opportunity to secure future development contributions. Cabinet are therefore requested to authorise further investigation of the preferred options.
- 1.6. In addition, whilst this work continues, Cabinet are asked to authorise the funding of urgent plant refurbishment works, so that Tides can continue to function while the longer term options are explored.

2. Introduction

- 2.1. The construction of Dover District Leisure Centre is currently progressing on programme and on budget, with the new facility scheduled to open early February 2019. Members will recall that the Council's Indoor Sports Facility Strategy (adopted July 2016) provided evidence to support the facility mix of the centre and underpinned the successful application to Sport England for a grant award of £1.5m. The ISFS identifies progression of proposals for improvements of wet side and health & fitness facilities at Tides Leisure Centre as Strategic Priority 4.
- 2.2. Tides Leisure Pool in Deal was constructed in 1987; the original building comprises several water features, a terrace reception, café, changing area, a fitness gym and former bar area that is currently mainly used for group exercise classes. Subsequently two major expansions have been added; a four-court sports hall in 2002 and a four-court indoor tennis centre in 2011. The facility is likely to require significant capital investment over the coming years in particular to help reduce the risk of frequent or permanent pool closure given that a number of essential plant items are reaching end of life. In addition, the fitness gym is small by current standards and is located in the basement in a non-purpose built environment that partly consists of a converted former health suite.
- 2.3. Over the last year, Tides Leisure Centre has experienced some exceptionally challenging and recurring plant issues which forced temporary pool closures, one prolonged closure and one pool evacuation. It is clear from a recent specialist mechanical electrical assessment that essential plant items are failing and need to be replaced before winter 2018/19 to avoid repeating circumstances. The Council has set aside £2.2m in the Capital Programme to address essential plant maintenance and ensure the building can operationally function across the next five to ten years.
- 2.4. Tides Leisure Centre is operated by Your Leisure (YL) under a lease agreement that runs until 2025. In 2014 YL began investigating the business case for the extension of health and fitness facilities, using externally sourced investment on the assumption that the improvement in net revenue will be equal to or greater than the cost of the loan. Repayment of the loan would have been underwritten by the Council. Proposals drawn up by Alliance Leisure included a 70 station gym, one fitness studio, one toning studio and dry changing room alterations. Such proposals offer some benefits in terms of increased capacity for fitness users and increased income at the centre, but would fail to address the underlying plant issues, the building's inefficient circulation layouts and its deteriorating fabric.
- 2.5. Rather than attempt to address the wet and dry side improvements in isolation, it was considered sensible to commission an initial feasibility appraisal of options that holistically investigates the best way to proceed. In September 2017 the Council appointed The Sports Consultancy in partnership with GT3 Architects, Faithful+Gould and Hadron Consulting to undertake an initial feasibility appraisal of options for delivering improvements at Tides Leisure Centre. The appraisal takes into account the need for improvement of both wet side and health & fitness facilities by examining a range of options from refurbishment through to new build. In commissioning this study, the Council recognised that as the Dover District Leisure Centre project progresses focus is increasingly drawn to the condition of Tides Leisure Centre.

3. Options Appraisal

- 3.1. The Sports Consultancy liaised with officers and the operator, Your Leisure, to define options that include various levels of refurbishment and improvement. In total eleven options were examined, ranging from a minimum, refurbishment of the dry side only

through to a maximum, new build of the wet side and health & fitness suite. The capital cost was estimated for each option, and the affordability of each option was analysed by setting the build cost against projected income, running costs and applicable borrowing period.

- 3.2. An executive summary of the options appraisal report is attached at Appendix 1. Unfortunately, apart from the minimum option of Dry Side Only, the business appraisal of each of the options considered has not identified an affordable option in terms of revenue turnaround together with the capital resources currently allocated. The Dry Side Only option is not recommended because it does not address the underlying plant issues, and therefore would not be sustainable as a standalone project.
- 3.3. Setting aside the current funding gap, two preferred options have been identified; 'Enhanced Leisure Water + Option 2B Dry Side' and New Build. The capital cost of the New Build option is estimated to be in excess of £3m greater than the other preferred option, but the funding deficit for both is similar at £2.4m for New Build and £2.3m for Enhanced Leisure Water + Option 2B Dry Side. This is because a refurbished building could last for 20 years, while the New Build would be likely to last for at least 40 years and could therefore support a larger loan.
- 3.4. The study sought to establish a clear business case to inform the Council's decision making processes. This has been achieved in that the two most affordable options have been identified for securing the long term future of Tides Leisure Centre. One of these options is to rebuild the wet and dry side facilities (excluding the sports hall and tennis centre), which was not originally anticipated as preferred option. However, New Build would offer a number of benefits including the opportunity for the Council to provide a higher quality, more efficient, leisure centre for the community of Deal and the wider district, with a lifespan of at least 40 years. Another advantage is that all programme and cost risks can be more easily managed on a New Build project; there is an inherently higher risk involved in refurbishment of leisure buildings such as this, with construction costs for such projects often being above expectations due to limited competition from building contractors when the project is tendered.

4. Urgent Plant Works

- 4.1 As the findings of the Options Appraisal emerged, it became clear that the Council required an objective assessment of the immediate need for, and cost of, addressing the essential works required for the mechanical and electrical plant at Tides. In March 2018 ME Engineers were appointed to undertake this specialist work, having previously acted as mechanical and electrical engineering consultants for the Dover District Leisure Centre project. The brief specified that ME Engineers should consider whether any plant parts currently located at Dover Leisure Centre could be re-used at Tides; whether any new plant purchased now could be reused in a possible longer term future development and to estimate the extent of any benefits that could be achieved through reduced energy consumption.
- 4.1. The assessment identified the extent of the works required which includes: replacement of boilers to avoid complete failure; works to electronic control panels to prevent localised burn outs (which caused a centre closure on one occasion); redesign of chemical dosing facilities & store area to meet essential safety standards and further detailed investigational work to continue examining pool water leakages. It is estimated that £600k is required from the allocated budget in the capital programme to procure and deliver these specialist works. Furthermore, to reduce

the risk of any closures during winter 2018/19 immediate action was taken to commence the preparation of the detailed design specification and tender documentation in April to allow sufficient time for procurement of specialist contractors, lead in time for ordering equipment and to undertake the works.

- 4.2. On 20th April a decision was taken between meetings (DPH04) to allocate £50,000 of the Tides Refurbishment Provision included within the Medium Term Financial Plan for the appointment of specialist consultants to develop an informed brief for potential contractors. ME Engineers were appointed undertake the project, which is underway and will be complete around the time the report is presented to Cabinet.
- 4.3. Initial results indicate that although no plant parts are re-usable from Dover Leisure Centre, there are some savings achievable on capital expenditure against a possible future longer term project of circa £75,000. It is also estimated that consumption savings of 25% on gas, 10% on water & 5% on electricity can be achieved at Tides Leisure Centre compared to the existing operational hours & use.
- 4.4. The completion of these urgent works should ensure that the building can continue to function, reducing the risk of temporary or permanent closures, while further research is undertaken into long term options for the centre. Members are therefore asked to approve the procurement of urgent plant works with continued assistance from ME Engineers to evaluate tenders and monitor delivery. Cabinet is also requested to grant the Director of Environment & Corporate Assets delegated authority to appoint the preferred specialist contractor(s) as part of tender procurement process.
- 4.5. It should be noted that other defective plant and building risks such as the deteriorating flume & wave machine; continual uplifting pool floor tiles and leaking roof have not been included within the assessment of the mechanical and electrical plant. In addition, Your Leisure have drawn attention to increased water usage which may indicate that there is a water leak in the pool zone, possibly from circulation or feature pipework. Officers have investigated this concern by monitoring pool levels, but the results were inconclusive. Therefore a company specialising in pool diagnostics has now been appointed to carry out an initial test and inspection. The results of this work should be available at the time the report is presented to Cabinet.
- 4.6. These defective plant and building risks will be monitored by officers and the operator. Approval of a contingency of £100k is recommended, because this would allow the Director of Environment & Corporate Assets, in consultation with the Portfolio Holder for Property Management and Public Protection, to address unforeseen urgent works in a timely manner while the preferred options are being investigated. If any major issues arise these will be reported to Cabinet. Routine repairs will continue to be funded by the Corporate Maintenance Revenue Budget.

5. Next Steps

- 5.1. Neither of the preferred options identified within the options appraisal is currently affordable, but both are worthy of further investigation to determine whether the funding gap can be reduced or closed. For example as New Build was not anticipated as a favourable option at the start, the options appraisal did not consider location. In addition, the demand for facilities and business modelling was based on demographic predictions arising from the adopted Local Plan. The Council is preparing a new Local Plan, which is likely to include new housing allocations and it would be worthwhile revisiting the business case once the associated demographic predictions are known.

- 5.2. It is proposed that the Options Appraisal is refreshed taking into account development proposals put forward through the Local Plan once they emerge. Noting also that New Build presents an opportunity for examining whether Victoria Park is the best location for indoor leisure provision, and this could be explored through the current revision to the Local Plan. The refreshed Options Appraisal would also provide an opportunity to review whether the facility mix should be re-examined. The results will be reported back to Cabinet in early 2019.

6. Identification of Options

Project Development

- 6.1. Option 1 Agree to continue investigating two preferred options, approve £10k from the Medium Term Financial Plan to support the next stage of project development and engage with prospective partners and funders on the options for financing the project.
- 6.2. Option 2 Not to agree to continue investigating the two preferred options

Plant Refurbishment

- 6.3. Option 1 Allocate £600k from the Medium Term Financial Plan on urgent plant refurbishment works to address essential plant issues at Tides and delegate authority to the Director of Environment and Corporate Assets in consultation with the Portfolio Holder for Property Management and Environmental Health to accept the best value for money tender.
- 6.4. Option 2 Not to allocate £600k from the Medium Term Financial Plan on urgent plant refurbishment works to address essential maintenance issues at Tides.

Other Defective Plant and Building Risks

- 6.5. Option 1 Allocate £100k from the Medium Term Financial Plan to use as required to address emergency works that arise while the preferred options are being investigated
- 6.6. Option 2 Not to allocate £100k from the Mid Term Financial Plan to be used as required to address emergency works that arise while the preferred options are being investigated

7. Evaluation of Options

Project Development

- 7.1. Option 1 This is the preferred option because although neither of the preferred options within the options appraisal are currently affordable, they are worthy of further examination, including investigation into possible sources of additional funding.
- 7.2. Option 2 This is not recommended because the fabric of Tides Leisure Pool is likely to require significant capital investment over the coming years and if the Council does not develop a coherent approach to address this need it is likely to result in an unnecessarily high level of spending on emergency works and possibly eventual closure of the facility.

Plant Refurbishment

- 7.3. Option 1 This is the preferred option because it will reduce the risk of unplanned pool closures during winter 2018/19 and allow Tides to continue to function while the long term options are explored.
- 7.4. Option 2 This is not recommended because it would result in a high, and increasing, risk of unplanned pool closures.

Other Defective Plant and Building Risks

- 7.5. Option 1 This is the preferred option because it would allow the Council to address emergency works in a timely fashion while the long term options are explored.
- 7.6. Option 2 This is not recommended because it may well give rise to unplanned closures while a report is prepared for members regarding relatively minor works, which would cause breaks in provision of service to residents and compensation payments to the operator.

8. Resource Implications

- 8.1. £2.2m has been allocated within the Council's capital programme for refurbishment works at Tides Leisure Centre. Expenditure of £50,000 has already been approved to fund preparation of a detailed project specification for the urgent refurbishment works. At this stage it is anticipated that these urgent works will cost up to £600k, but the exact price will only be known once tenders have been received.
- 8.2. In addition, approval of £10,000 is requested to continue investigating the preferred options and a further £100,000 is requested to meet the cost of any unforeseen urgent works while the long term options are investigated. Routine repairs will continue to be funded by the Corporate Maintenance Revenue Budget.
- 8.3. If the proposals in this report are approved a total of £760,000 will have been spent, leaving £1.44m of the original £2.2m allocation.
- 8.4. The options appraisal assumed that £2.2m capital would be available to fund any refurbishment or New Build project. The remaining capital cost would be largely funded by external borrowing, to the extent this could be supported by improved revenue at the centre. The appraisal identified that based on capital funding of £2.2m being available there would be a funding gap of £2.4m for the New Build and £2.3m for Enhanced Leisure Water + Option 2B Dry Side options. Therefore it should be noted that the expenditure currently proposed will increase the funding gap for these options due to the reduction in available capital funding.
- 8.5. On the other hand the proposed investment in plant refurbishment is likely to deliver savings against future capital expenditure of circa £75,000 and will significantly reduce energy consumption, resulting in savings to the operator. This would allow the Council to review the level of funding it provides to the operator, and any savings achieved could be used to replenish the capital allocation; this will be included as part of future budget proposals.

9. Corporate Implications

- 9.1. Comment from the Section 151 Officer: Finance have been consulted on this report and have no further comments to add. (DL)

9.2. Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comments to make.

9.3. Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties 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>.

10. Appendices

Appendix 1: Options Appraisal for the Refurbishment and Extension of Tides Leisure Centre May 2018 Executive Summary.

11. Background Papers

Dover District Council Indoor Sports Facility Strategy, Adopted July 2016.

MEP Plant Replacement Report by ME Engineers, 5 April 2018

Contact Officer: Laura Corby extn 42448 Emma-Jane Allen extn 42120



Options Appraisal for the Refurbishment and Extension of Tides Leisure Centre

May 2018



The Sports Consultancy



Hadron
Consulting

FAITHFUL
GOULD

Executive summary

The Sports Consultancy, GT3 Architects, Faithful+Gould and Hadron Consulting, were appointed by Dover District Council (the Council) in September 2017, to complete an initial feasibility and options appraisal study for the refurbishment and extension of Tides Leisure Centre in Deal which is a strategic priority of the Indoor Sport Facility Strategy 'or supporting the actions identified in the Indoor Sports Facility Strategy.

Following consultation with the Council's project team including the current operator Your Leisure, a number of options that include varying degrees of refurbishment and improvement to the wet and dryside of the building were defined. This work considered district demographics and strategic indoor leisure need'. The aim was to identify a small number of distinct options to test the financial implications and the affordability of them. The options that were developed are listed below. It should be noted that the 4 court sports hall and the indoor tennis centre remain unchanged in all options.

Concept floor plans, schedules of areas, capital costs and revenue projections were completed for the options to inform an appraisal of the funding and affordability of the options.

The table on the following page contains a summary of the affordability calculation for each facility option. The projected revenue performance of the options is compared with the existing (year ending March 2017) performance. This enables the potential revenue improvement to be calculated. The affordability calculation has been completed based on the initial capital costs for each option, to show the range of likely affordability.

The funding deficit is calculated by subtracting the sum of the prudential borrowing potential and the anticipated £2.2m from the medium term capital plan from the estimated capital cost.

Option	Wet Option	Dry Option
Minimum Option - Dry Only	None	Option 1
Minimum Option - Dry Only & MEP Replacement	MEP Replacement Only	Option 1
Minimum Option - Wet Only	Option 1	None
Minimum Option - Wet and Dry	Option 1	Option 1
Enhanced Leisure Water + Option 1 Dry Side	Option 2	Option 1
Enhanced Leisure Water + Option 2A Dry Side	Option 2	Option 2A
Enhanced Leisure Water + Option 2B Dry Side	Option 2	Option 2B
Create Learner Pool Option + Option 1 Dry Side	Option 3	Option 1
Create Learner Pool Option + Option 2A Dry Side	Option 3	Option 2A
Create Learner Pool Option + Option 2B Dry Side	Option 3	Option 2B
New Build	New Build	New Build

Executive summary

Option	Total capital cost	Funding Deficit/Surplus
Minimum Option - Dry Only	£4,776,311	£1,334,742
Minimum Option - Dry Only & MEP Replacement	£7,467,812	(£1,052,996)
Minimum Option - Wet Only	£4,465,178	(£2,711,415)
Minimum Option - Wet and Dry	£9,241,488	(£2,674,792)
Enhanced Leisure Water + Option 1 Dry Side	£10,468,175	(£958,101)
Enhanced Leisure Water + Option 2A Dry Side	£11,576,372	(£2,066,299)
Enhanced Leisure Water + Option 2B Dry Side	£11,810,398	(£2,300,324)
Create Learner Pool Option + Option 1 Dry Side	£10,873,912	(£4,390,026)
Create Learner Pool Option + Option 2A Dry Side	£11,982,110	(£5,498,224)
Create Learner Pool Option + Option 2B Dry Side	£12,216,135	(£5,732,249)
New Build	£15,078,745	(£2,432,007)

The options appraisal work has included a review of the financial implications and a review of the advantages and disadvantages of the options. The findings of the affordability analysis are summarised in the following tables with the recommendations and conclusions provided below.

Overall, the results show that all options result in a funding deficit. The options that include enhancing the Leisure Water areas have funding shortfalls of circa £960,000 to £2.3m, with the new build option having a funding shortfall of circa £2.4m. The options that involve creating a learner pool are the least affordable options, with funding shortfalls of circa £4.4m to £5.7m. The minimum options also have a significant shortfall and will not deliver the same level of improvement to the wet side areas as the other options. From a financial perspective, the enhanced leisure water options and the New Build are the most affordable, due mainly to the improvement in net revenue linked to the enhanced leisure water offer, when compared to the learner pool options and the existing pool configuration. Income is projected to increase, coupled with a reduction in staffing/lifeguarding costs. Options 2B and New Build are recommended as the preferred options for the following reasons:

- They include a range of works to create a rejuvenated leisure water attraction for Deal, the district and the east Kent area.
- The works will provide a longer term improvement of facilities at the site.
- Customers will notice a significant change and improvement in the facilities on offer.

Executive summary

- They will distinguish the Deal swimming pool offer from the new Dover Leisure Centre offer which has a greater focus on fitness, competition and swimming lessons.
- They will increase participation and generate additional revenue compared to the current layout.
- The installation of a splash pad with aqua play equipment and new slides will reduce staffing costs for lifeguarding, leading to more commercially viable operation.
- The aqua play equipment will be capable of being periodically updated.
- The improvement to M&E plant will reduce utility consumption.
- They are likely to provide a more efficient layout for the wet areas, as the design is not constrained by the form of the existing pool hall. Option 2A and 2B provide the opportunity to create and transform the building frontage with gym and studio areas in a visible location at the front of the building.
- The Café and spectator seating areas are maximised in these options, aiding revenue generation.
- The circulation through the building and visibility and connections between the different spaces are much improved.

Recommendation

Options 2B and the New Build option provide an opportunity to transform the centre and avoid extending the building onto land leased by KCC, reducing the risk and complexity of the project. Affordability is similar for both options.

A detailed estimated programme has been developed for the refurbishment / extension or replacement options of Tides Leisure Centre. This shows that a new build centre could be open by the end of August 2022.

Contact Details

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One de Walden Court, 85 New Cavendish Street, London, W1W 6XD

Subject:	SHORT-TERM PROPOSAL FOR THE FORMER CO-OP BUILDING, CASTLE STREET, DOVER
Meeting and Date:	Cabinet - 2 July 2018
Report of:	Mike Davis, Director of Finance, Housing and Community Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Michael Conolly - Portfolio Holder for Corporate Resources and Performance Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Executive Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To bring into temporary use the former Co-op building as a Mean-While space to provide an area to enable entrepreneurs and new businesses to market test their products/services.

Recommendation: That Cabinet:

1. Approves the short term use of the former Co-op building to enable the premises to be used as a Mean-While space for the benefit of the community and business start-ups, while options for the long term future of the site are developed.
2. Delegates authority to the Director of Environment & Corporate Assets, in consultation with the Leader of the Council, to take all necessary steps to progress and implement the project
3. Approves use of the Periodic Operations Reserve to meet DDC's costs to support delivery of this project.

1. **Summary**

1.1 Following the purchase of the former Co-op building in Castle Street, Dover options for its interim use have been reviewed and explored.

1.2 It is proposed that the building is leased to Red Zebra who are a registered charity. They will partner with Dover Big Local to provide a 'Mean-While space'. The 'Mean-While space' will:

- Provide an innovative service that will support community activities run by a public/voluntary sector partnership
- Provide a safe trading area to enable entrepreneurs and new businesses to market test their products and services.
- Enhance our strategic support for the High Street and Regeneration of the area.

2. Introduction and Background

- 2.1 In November 2016 the Council approved the Property Investment Strategy, providing authority to borrow to support a capital budget of up to £200m for the acquisition of commercial and residential assets for the economic regeneration and well-being of the district and for investment purposes. As part of this strategy an opportunity arose to purchase the Co-op site in Castle Street, Dover to add to the Council's property investment portfolio.
- 2.2 DDC purchased the freehold of the site on 27 April 2018 for £625k. The site comprises two single storey buildings totalling 2,495 square metres.
- The larger unit (former Co-op store) is vacant
 - The smaller unit is leased to Action Carpets Ltd.
- 2.3 The site was purchased for a number of reasons, including:
- (a) **Regeneration** – Regeneration is one of the Council's primary objectives. The site is located close to the existing town centre and the Council want to ensure the long term stability of the area. Additionally, the purchase of this site will send an important message of the Council's confidence in this area of the town and will provide control over the use of this important site as the regeneration of the area progresses
 - (b) **Development potential** – The site is in a prime location and has the potential to be redeveloped for either residential or a mix of retail/commercial and residential in the future once the impact of the St James development is better understood. It is a significant asset for the Council's long term regeneration portfolio
 - (c) **Protection from neglect** – Since the closure of the Co-op store the property has been empty and boarded up but is situated at a key route through to the High Street and to the St James development. It is on the main walking route from the bus stops in Pencester Road and situated next door to Stembrook, our busiest town centre car park. It is therefore important that the site is well maintained and protected from neglect or misuse and this is more easily done now the property is under the Council's ownership.
- 2.4 Since the purchase of the site options for its interim use have been considered and assessed. These included the option for the conversion of the site into a car park, as per the original business case approval. Any proposal to redevelop the site will take a significant period of time, due to the need for options appraisals, architect design, planning applications etc. It is therefore recommended that the site is used as detailed in this report as an interim option to support the growth and sustainability of the town centre.

3. Identification of Options

- 3.1 Option 1 – To use the premises as a Mean-While space by leasing the empty unit to Red Zebra, who will partner with Dover Big Local, to provide support for the local community and increase the potential for enterprise opportunities in Dover Town Centre. This would be for an initial period of 12 months. It is proposed to continue to lease the occupied unit to Action Carpets.
- (a) Red Zebra is a registered charity set up to improve opportunities and services for the community.
 - (b) Dover Big Local work in partnership with Red Zebra and are the dedicated community delivery arm for Dover. They are committed to delivering

community based local projects which include employment workshops, pop-up business schools and social enterprises. They have been awarded £1m Lottery funding to spend on central Dover and run a community hub providing support, training and networking opportunities

- 3.2 Option 2 - Leave the vacant unit empty while the future plans for the site are being developed. Given the number of surveys and the work that needs to go into preparing a comprehensive planning application for the important site and planning permission being granted, this could take approximately 12 -14 months.

4. **Evaluation of Options**

- 4.1 Option 1 is recommended for the following reasons:

A 'Mean-While space' would be unique to this area. It would provide an innovative growth project for the local economy by supporting entrepreneurs and new businesses to safely market test their products/services. This would then support the growth and sustainability of the town centre by business growth through-put in to Dover.

The services provided could include:

- (i) A community space;
- (ii) A flexible, co-working space;
- (iii) A space for workshops and enterprise units (exploration of start-up businesses for the growth of Dover town centre);
- (iv) An exhibition area;
- (v) Supporting Enterprise Saturday in October.

Proposed arrangements (to be negotiated):

- (i) DDC would lease the unit to Red Zebra for a peppercorn rent;
- (ii) The lease agreement will cover internal areas of the Co-op building;
- (iii) DDC to continue to be responsible for all structural maintenance and repairs;
- (iv) Red Zebra to be responsible for all internal repairs, site branding & non-structural external decoration, repairs & maintenance;
- (v) Red Zebra to be responsible for all utility bills & public liability insurances;
- (vi) Options regarding business rates and charitable relief will be explored to support the project going forward;
- (vii) As the project is at a formative stage and still requires negotiation with Red Zebra, with heads of terms for the lease arrangement to be agreed, it is proposed that authority be delegated to the Director of Environment & Corporate Assets, in consultation with the Leader of the Council to take all necessary steps to progress and implement the project.
- (viii) It is also necessary to consider the existing and proposed planning use. A change of use application needs to be submitted and permission for advert consent.

- 4.2 Option 2 is not recommended as leaving the vacant unit empty, will be missing an opportunity to provide a valuable community resource/service at minimal cost to the Council.

5. Resource Implications

- 5.1 If the vacant unit is left empty the Council will be liable for the business rates at £79k per annum. It will also remain liable for essential care and repair of the building and management of any potential issues associated with an empty building such as graffiti / vandalism.
- 5.2 Under the proposal Red Zebra, will be able to apply for 80% business rates reduction and the Council may be able to award a further 20% discretionary relief. Alternatively the property may be able to be split into individual hereditaments and the individual organisations can apply for small business rates relief. These options will be explored as part of the detailed arrangements to minimise the costs to Red Zebra and DDC.
- 5.3 DDC need to carry out essential repairs and due diligence testing estimated at £12k to prepare the building for use. The results of the surveys will also be assessed and further essential works carried out if necessary.
- 5.4 The rental income from Action Carpets will continue to be received.
- 5.5 DDC will also be required to arrange appropriate insurance to cover the building and the proposed use.
- 5.6 It is recommended that the costs incurred to implement this proposal are funded from the Periodic Operations Reserve.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: The S151 Officer has been consulted during the preparation of this report and has no further comment to make (MD).
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties 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>

7. Appendices

- 7.1 Appendix 1 – Internal photos of the empty unit

8. Background Papers

- 8.1 Property Investment Strategy – Council 30 November 2016

Contact Officer: Helen Lamb. Head of Finance ext. 42063

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