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Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 18 April 2017 at 6.00 pm.

Present:

Chairman: Councillor K Mills

Councillors: T A Bond
B J Glayzer
J M Heron
M J Holloway
S C Manion
M Rose
D A Sargent
P Walker (as substitute for Councillor M I Cosin)

Officers: Chief Executive
Director of Finance, Housing and Community
Director of Governance
Highways and Parking Team Leader
Planning Delivery Manager
Corporate Estate Engineer
Team Leader – Democratic Support

172 APOLOGIES

Apologies for absence were received from Councillors M I Cosin and R J Frost.

173 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor P Walker had been appointed as substitute for Councillor M I Cosin.

174 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

175 MINUTES

The Minutes of the meeting held on 13 March 2017 were approved as a correct record and signed by the Chairman.

176 PUBLIC SPEAKING

The Team Leader – Democratic Support advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

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

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

RESOLVED: That the decisions be noted.

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

There were no items of business for consideration.

179 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) Future Options

The Team Leader – Democratic Support advised that the Leader of the Council would be providing an update on the future options being considered following the decision by Shepway District Council at the meeting to be held on 23 May 2017.

The Chief Executive advised that although work on the proposed merger to create a single East Kent District Council had stopped following the decision of Shepway District Council there was still a desire to collaborate amongst East Kent authorities and joint working continued through the existing shared services. A case-by-case decision would be taken on whether to share further services.

The snap parliamentary election scheduled for Thursday 8 June 2017 was expected to delay decisions on proposals for local government reorganisation that other authorities had submitted to the Secretary of State for consideration.

In response to a question, the Chief Executive advised that although the Council could not get back the money it had expended in relation to the proposed merger, it had only expended a few thousand pounds from the funds that it had allocated.

RESOLVED: That the update be noted.

180 NOTICE OF FORTHCOMING KEY DECISIONS

The Team Leader – Democratic Support presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

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

181 SCRUTINY WORK PROGRAMME

The Team Leader – Democratic Support presented the Scrutiny Work Programme to the Committee for its consideration.

Members requested that the links relating to the scaffolding issue discussed at the previous meeting be recirculated.

RESOLVED: That the Work Programme be noted.

182 REGENT CINEMA UPDATE

The Monitoring Officer informed Members that as the restrictions concerning local authority publicity (known as ‘purdah’) were in force due to the Kent County Council elections, the discussion should be confined to the Cabinet decision taken on 11 October 2016 in respect of the Regent Cinema.

The Planning Delivery Manager provided Members with an update on the Cabinet Decision as followed:

Cabinet Decision

Update

(a) That Planning Officers be instructed to immediately cease providing pre-application advice to the developers of the Regent Cinema. Cabinet noted that the developers had recently been advised by the Chief Executive that the pre-application advice process had been exhausted and that they should proceed with a planning application as soon as possible.

This had happened and no further pre-application advice had been provided since October 2016.

(b) That the developer be given 3 months to submit an outline planning application and 6 months to submit a full planning application for the Regent Cinema building and, if these deadlines are not met, the Council take enforcement action in respect of the building.

No planning application had been received during the 6 months and the Council had received no indication of an imminent application.

(e) That an immediate inspection of the Regent Cinema building be undertaken by Officers to look at whether a Section 215 notice can be issued and a report be

An inspection had been undertaken and works had been carried out to the Council's satisfaction. There was therefore no need to take action under

Cabinet Decision

provided to a future meeting of the Scrutiny (Policy and Performance) Committee outlining the action taken. Cabinet noted that Officers had visited the site the preceding week, and that the Section 215 process could potentially take up to 5 months should the developer appeal against the notice.

(g) That a local Fire Officer be requested to conduct an immediate inspection of the Regent Cinema building. Cabinet noted that the request had already been made and the outcome was awaited. All options were considered.

(h) That the Director of Environment and Corporate Assets be requested as a matter of urgency to investigate if the condition of the Regent Cinema building is adversely affecting the Timeball Tower and take appropriate action. Cabinet noted that this matter was being investigated.

(j) That a report be submitted to a future meeting of the Scrutiny (Policy and Performance) Committee on the feasibility of the Council undertaking a Compulsory Purchase Order in respect of the Regent Cinema building in the event the developer does not take the requested actions. Cabinet noted that the Compulsory Purchase procedure should be considered as a measure of last resort and that provision of a report should be subject to the expiry of the planning application deadlines at (b) above.

Update

Section 215 at present. However, if the building were to deteriorate in the future the Council could still take action under Section 215.

The fire officer had also visited and no concerns had been raised over fire safety.

Members were advised that there were no structural concerns over the Regent Cinema building.

The Director of Governance advised that a Compulsory Purchase Order (CPO) could not be discussed until after the conclusion of purdah.

The Chief Executive reminded Members that the CPO for the St James's Development in Dover had a back-to-back agreement in place with the developer and any successful CPO application would need to demonstrate a credible plan for the future of the Regent Cinema. This would need to be provided by a new potential developer as the Council did not intend to become a cinema operator.

The Council could not force the owners of the Regent Cinema to submit a planning application but were encouraging them to do so.

The potential enforcement options available to the Council if needed related to Section 215, the usage of the building, structural safety and the covenant.

The Director of Governance confirmed that if a planning application were to be received during the purdah period the Council would still deal with it as normal.

The representatives of the Reopen the Regent present at the meeting advised the Committee that:

- The south side of the building was in a dangerous state; and

- That there was some interest from cinema operators in taking on the Regent but they would need access to the building to do a feasibility study and the current owners would not engage with them.

It was agreed that officers would look into the concerns over the south side of the building.

The importance of the Committee in bringing all parties together was discussed and it was agreed that a special meeting should be held in June 2017 in Deal to consider the matter further. It was suggested that a bigger venue than Deal Town Hall be used for the meeting in order to accommodate the expected level of public interest.

RESOLVED: That the Team Leader – Democratic Support organise a special meeting of the Committee for June 2017 at a venue in Deal.

183 REVIEW OF ON AND OFF-STREET PARKING CHARGES

The Highways and Parking Team Leader presented the report on the Review of On and Off-Street Parking Charges.

RESOLVED: That it be recommended to the Cabinet:

- (a) That Cabinet Decision CAB177 be endorsed as follows:
 - (i) That the outcome of the annual review of parking charges be noted.
 - (ii) That parking charges continue to be frozen at their current levels, as set out in Appendix 1 of the report, with the following minor exceptions:
 - (1) To agree to the proposed reduction in the maximum daily charge at those locations as detailed in Appendix 1 of the report.
 - (2) To agree to the principle of the introduction of a charge of £7.50 for overnight parking by motorhomes on Dover seafront.
 - (3) To agree to replace the current linear parking charges for coaches at Castle Hill Car Park and Maison Dieu Car Park, Dover with a charge of £7.50 for up to 8 hrs.
 - (4) To increase the charge for visitor permits to £2.
 - (iii) That the Director of Environment and Corporate Assets be authorised, in consultation with the Portfolio Holder for Access and Licensing, to make the necessary arrangements to introduce the above charges as soon as is practicable, and to make the necessary changes to the Council's On-Street and Off-Street Parking Orders.
 - (iv) That the proposal that charges at Tides Leisure Centre should be withdrawn in due course to match the proposal that

parking at the new Dover Leisure Centre should be free be approved and Officers be asked to bring forward proposals to enable this to be put into effect at the appropriate time, including arrangements to limit the length of stay and/or restrict use to leisure centre customers.

- (b) That free parking at Tides Leisure Centre should be restricted to users of the leisure centre only.

184 DDC HEALTH AND SAFETY STREET LIGHTING WORKS

The Corporate Estate and Coastal Engineer presented the report on DDC Health and Safety Street Lighting Works.

Members were advised that the Council was responsible for over 2,000 lighting units (mostly footway) across the District and that many of these lighting units were now reaching the end of their design life with increasingly frequent maintenance and/or replacement works required.

The Council's most recent structural survey in 2015 had identified 175 lighting units that were at risk of structural failure. While work had been undertaken to extend the life of these units by 18 months they had now reached the point where action had to be taken.

Criteria had been developed to determine the priority for replacing a lighting unit that had been removed or truncated as followed:

- (a) Have there been a high proportion of road traffic accidents during dark hours in the vicinity of where the light is being removed?
- (b) Is the light being removed providing adequate light to a highway traffic junction?
- (c) Is the light outside the entrance of the following; Schools, Hospitals, Emergency Services, Retirement Homes, Youth and Community Centres?
- (d) Is there any registered anti-social behaviour problems associated in the area of the light to be removed?
- (e) Site specific extenuating circumstances

The Medium Term Financial Plan had budgeted £90,000 for the lighting works. The cost of removing/truncating the 175 lighting units and surveying a further 310 units was estimated at £16,000 which would leave £74,000 to fund the replacement of approximately 50 lighting units.

In respect to a question about Kent County Council (KCC) adopting Dover District Council's street lighting, Members were advised that this would only be done if the lighting met KCC's current LED standards and the cost of doing this was several million pounds.

RESOLVED: That it be recommended to the Cabinet that Option 3 be approved (as per Cabinet Decision CAB178) and that urgent health and

safety works in relation to Dover District Council-owned street lights, including the provision of replacement lighting units where appropriate (to be procured in accordance with Contract Standing Orders), be approved.

185 PERFORMANCE REPORT TARGETS 2017-18

The Director of Governance presented the report on the Performance Report Targets 2017-18.

Members were advised that although the targets had been set against a backdrop of the need to make cost savings in most cases the target had not decreased from the previous year's target. Where there had been a lowering of the target this had been highlighted in the schedule to the report.

In respect of performance indicator WAS010 (Residual household waste per household) it was stated that the target should have read 430kg and not 390kg as specified in the report. This reflected a national trend of increasing residual waste.

The Director of Governance advised that further information in relation to service performance was provided as part of the text element of the performance report.

RESOLVED: That it be recommended to the Cabinet:

- (a) That, as per Cabinet Decision CAB179, the key targets, as set out at Appendix 1 of the report, be approved, subject to the retention of existing Regeneration and Development Performance Indicators PLA004 and PLA001 (provided for information purposes only) and the Director of Governance making any minor changes, in consultation with the Portfolio Holder for Corporate Resources and Performance.
- (b) That a comparison with the outturn for the previous year be included.

The meeting ended at 7.52 pm.