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28 February 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **CABINET** on Wednesday 1 March 2017 at 11.00 am, the following reports that were unavailable when the agenda was printed.

5 **COUNCIL BUDGET 2017/18 AND MEDIUM-TERM FINANCIAL PLAN 2017/18-2020/21** (Pages 3-5)

To consider the recommendations of the Scrutiny (Policy and Performance) Committee.

6 **FEES AND CHARGES 2017/18** (Page 6)

To consider the recommendations of the Scrutiny (Policy and Performance) Committee.

7 **YOUR LEISURE FUNDING ARRANGEMENTS** (Page 7)

To consider the recommendations of the Scrutiny (Policy and Performance) Committee.

8 **PERFORMANCE REPORT - THIRD QUARTER 2016/17** (Page 8)

To consider the recommendations of the Scrutiny (Policy and Performance) Committee.

9 **REGENT CINEMA** (Pages 9-10)

To consider the recommendations of the Scrutiny (Policy and Performance) Committee.

19 **YOUR LEISURE FUNDING ARRANGEMENTS** (Pages 11-55)

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

Responsibility: Portfolio Holder for Property Management and Public Protection

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. Kelly', written in a cursive style. The signature is positioned above the text 'Chief Executive'.

Chief Executive

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

COUNCIL BUDGET 2017/18 AND MEDIUM-TERM FINANCIAL PLAN 2017/18-2020/21

Responsibility: Portfolio Holder for Corporate Resources and Performance

Report of: Director of Finance, Housing and Community

Decision Route

Cabinet	6 February 2017	CAB 138
Scrutiny (Policy and Performance) Committee	14 February 2017	Minute No 154
Cabinet	1 March 2017	
Council	1 March 2017	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 14 February 2017, endorsed Cabinet decision CAB 138 as follows:

That it be recommended to Cabinet and Council:

- (a) That the draft General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account budget, and the content of the Medium Term Financial Plan (MTFP) as proposed in Appendix 1 be approved.
- (b) That it be noted that the Council Tax Resolution and Treasury Management Strategy will be added to the MTFP and other minor adjustments will be made before being presented to Council in March.
- (c) That the various recommendations at the end of the sections within the Budget and MTFP report, as consolidated at Annex 14 of the report, be approved as follows:
 - (i) Continue the practice of delegating authority to the Director of Finance, Housing and Community to approve the revenue budget carry forwards within the guidelines set out.

- (ii) Approve the grants to organisations detailed at Annex 11 of the report.
- (iii) Approve the General Fund Revenue Budget for 2017/18 and the projected outturn for 2016/17.
- (iv) Approve the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out at Annex 6 of the report.
- (v) Delegate to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, the setting of the level of the on-going HRA minimum balance, the transfer of balances to the Housing Initiatives Reserve (HIR), the use of prudential borrowing, and adjustment of the resources of the HIR accordingly.
- (vi) Delegate to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, the approval of offers, tenders or bids for the purchase of properties on the open market or at auction, in order to respond to market opportunities.
- (vii) Approve the 2016/17 Projected Outturn and the 2017/18 HRA budget at Annex 7 of the report.
- (viii) Delegate to Cabinet the approval of individual projects to be financed by the HIR.
- (ix) Continue the practice of delegating authority to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, to apply capital receipts, revenue resources, grants, Section 106 monies, etc. to finance the approved Capital and Special Revenue Projects Programmes.
- (x) Continue the practice of delegating authority to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, to authorise projects up to £50,000 that are included in the Capital and Special Revenue Programmes; authorise the allocation of funds to projects from the Capital and Special Revenue Contingencies; authorise virements between regeneration projects and apply Growth Point reserves to regeneration projects.
- (xi) Approve the Capital and Special Revenue Projects Programmes.

- (xii) Approve that capital resources required to finance new projects are secured before new projects commence.
- (xiii) Delegate to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance, the amendment of the level and period of investment in property funds.
- (xiv) Approve the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision Statement.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

FEES AND CHARGES 2017/18

Responsibility: Portfolio Holder for Corporate Resources and Performance

Report of: Director of Finance, Housing and Community

Decision Route

Cabinet	9 January 2016	CAB 124
Scrutiny (Policy and Performance) Committee	14 February 2017	Minute No 155
Cabinet	1 March 2017	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 14 February 2017, endorsed Cabinet decision CAB 124 as follows:

- (a) That the Fees and Charges (F&Cs) for 2017/18 as set out in Appendices 2 and 5.3 be approved.
- (b) That it be agreed that any Fees & Charges be adjusted by the Service Director and Portfolio Holder to comply with any subsequently received government guidelines (when they are received) without being the subject of a further report unless they are materially different from current charges, or have a material impact on the level of income.
- (c) That the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined be agreed.
- (d) That the fees and charges approved by Licensing and Regulatory Committees (which includes the Planning Committee) set out in Appendices 3, 4, 5.1 and 5.2 be noted.
- (e) That it be agreed that the Director of Governance can authorise variation of the CON29 Land Charges to take account of the prevailing VAT requirements.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

YOUR LEISURE FUNDING ARRANGEMENTS

Responsibility: Portfolio Holder for Property Management and Public Protection

Report of: Director of Environment and Corporate Assets

Decision Route

Cabinet	6 February 2017	CAB 140 and CAB 142
Scrutiny (Policy and Performance) Committee	14 February 2017	Minute No 158
Cabinet	1 March 2017	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 14 February 2017, endorsed Cabinet decision CAB 140 as follows:

That the proposed funding agreement for 2017/18 be approved.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

PERFORMANCE REPORT – THIRD QUARTER 2016/17

Responsibility: Portfolio Holder for Corporate Resources and Performance

Report of: Director of Governance

Decision Route

Cabinet	6 February 2017	CAB 146
Scrutiny (Policy and Performance) Committee	14 February 2017	Minute No 153
Cabinet	1 March 2017	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 14 February 2017, endorsed Cabinet decision CAB 146 as follows:

That Decision CAB 146 be endorsed and the Performance Report and Actions for the 3rd Quarter 2016/17 be noted.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

REGENT CINEMA

Responsibility: Portfolio Holder for Environment, Waste and Planning

Report of: Not applicable

Decision Route

Cabinet	3 October 2016	CAB 61
Scrutiny (Policy and Performance) Committee	14 February 2017	Minute No 152
Cabinet	1 March 2017	

Scrutiny (Policy and Performance) Committee Recommendations

The Scrutiny (Policy and Performance) Committee, at its meeting held on 14 February 2017, received an update on the Regent Cinema and made the following recommendation to Cabinet:

That a report on the progress in respect of Cabinet decision CAB 61 be provided to the Scrutiny (Policy and Performance) Committee at its meeting to be held on 18 April 2017.

Background

At its meeting held on 3 October 2016, Cabinet agreed the following in respect of the Regent Cinema (CAB 61):

(a) It was agreed that the Scrutiny (Policy and Performance) Committee's recommendations (a), (b), (e), (g), (h), (i) and (j), made at its meeting held on 13 September 2016 (Minute No 47), be approved as follows:

(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.

- (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.
 - (e) That an immediate inspection of the Regent Cinema building be undertaken by Officers to look at whether a Section 215 notice can be issued and a report be provided to a future meeting of the Scrutiny (Policy and Performance) Committee outlining the action taken. 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.
 - (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.
 - (i) That Officers be asked to investigate whether the correct level of business rates has been paid on the Regent Cinema building for its actual use over the last six years and the findings, including any action taken as a result, be reported to a future meeting of the Scrutiny (Policy and Performance) Committee. 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, even then, would only be taken as a measure to facilitate the acquisition of the property on behalf of a third party. Provision of the above report would be subject to the expiry of the planning application deadlines at (b) above.
- (b) It was agreed that the Scrutiny (Policy and Performance) Committee's recommendations (c) and (d) relating to heritage value and listed building status be rejected for the time being, pending the outcome of other actions. Cabinet noted that there were no restrictions on who could make an application for listed building status, and that listed building status could potentially limit the future use of the building.
 - (c) It was agreed that the Scrutiny (Policy and Performance) Committee's recommendation (f) relating to enforcement action on compliance with the covenant be rejected since it was considered that it would not be appropriate to take enforcement action whilst the deadlines for submitting outline and full planning applications were outstanding. Cabinet noted that this matter would be reviewed, if necessary, at the appropriate time.

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 19

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