

# Public Document Pack



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4 October 2016

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** will be held in the Council Chamber at these Offices on Wednesday 12 October 2016 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 [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Bond", written over a white background. The signature is fluid and cursive.

Chief Executive

Scrutiny (Community and Regeneration) Committee Membership:

L A Keen (Chairman)  
P J Hawkins (Vice-Chairman)  
T A Bond  
P M Brivio  
P I Carter  
N Dixon  
R J Frost  
S Hill  
M J Ovenden  
G Rapley

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 4)

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

4 **MINUTES** (Pages 5 - 8)

To confirm the Minutes of the meeting of the Committee held on 25 May 2016 (attached) and 14 September 2016 (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 applies to agenda item 10.

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

The right of the public to speak, or indeed to attend, does not apply to business on the agenda in respect of which a resolution to exclude the press and public for the consideration of confidential or exempt business has been carried.

The Chairman, with the consent of the meeting, has the discretion to vary the public speaking arrangements.

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

There are no items for consideration.

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

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

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

There are no items for consideration.

(b) Call-In

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

There are no items for consideration.

(c) Public Petitions

There are no items for consideration.

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

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.

9 **SCRUTINY WORK PROGRAMME** (Pages 12 - 15)

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

10 **ENFORCEMENT AND MONITORING OF PLANNING CONDITIONS** (Pages 16 - 17)

To scrutinise the responses to the Key Questions set by the Committee.

**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](http://www.dover.gov.uk). Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: [rebecca.brough@dover.gov.uk](mailto:rebecca.brough@dover.gov.uk) for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 25 May 2016 at 6.02 pm.

Present:

Chairman: Councillor L A Keen

Councillors: J S Back (as substitute for Councillor N Dixon)  
T A Bond  
P M Brivio  
P I Carter  
M I Cosin (as substitute for Councillor S Hill)  
R J Frost  
P J Hawkins  
M J Ovenden

Officers: Head of Regeneration and Development  
Team Leader – Democratic Support  
Democratic Support Officer

1 APOLOGIES

Apologies for absence were received from Councillors N Dixon, S Hill and G Rapley.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillors J Back and M I Cosin had been appointed as substitutes for Councillors N Dixon and S Hill respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 20 April 2016 were approved as a correct record and signed by the Chairman.

5 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.

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

There were no items for consideration.

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

There were no items for consideration.

8 NOTICE OF FORTHCOMING KEY DECISIONS

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

Councillor T A Bond requested that Neighbourhood Plans be added to the Work Programme.

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

9 SCRUTINY WORK PROGRAMME

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

Members requested the following items be added to the Work Programme:

- An update on the monitoring and enforcement of planning conditions and in particular in relation to noise.
- That the new Kent Police and Crime Commissioner be invited to attend a future meeting.
- An update on how the Council deals with variations on large applications.
- That Kent Highways be invited to a future meeting.

RESOLVED: That the Work Programme be noted, subject to the inclusion of the items above.

10 WHITFIELD DRAINAGE AND WATER INFRASTRUCTURE

The Committee welcomed Paul Kent (Wastewater Strategy Manager), Sarah Feasey (Stakeholder Engagement Manager) from Southern Water and the Head of Regeneration and Development (Dover District Council).

Planning and Infrastructure

The Head of Regeneration and Development advised that the Council and Southern Water were engaged in developing a better understanding each other's positions. As part of this the Council was talking to Southern Water about the planning process and how they dealt with responses to planning applications and trying to develop a better understand the legislative framework within which Southern Water operated and the constraints it placed upon it. The Council had also been invited to join the Southern Water stakeholder panel which would enable it to have input into the next round of Southern Water business planning.

The Committee was informed that Southern Water would not plan for the infrastructure until there was surety of development, although when there was surety it would size the sewerage system for the entire development. Although the

developer could lay the sewerage system themselves, they usually funded Southern Water to undertake the work as it would need to meet their specification for it to be adopted. However, developers did not have to offer sewerage networks to Southern Water for adoption and the enforcement of issues with private sewerage networks was the responsibility of Dover District Council Environmental Health and the Environment Agency.

The Committee was advised that, where sewer capacity was an issue, Southern Water usually recommended as a planning condition that the developer agreed a means of foul drainage for the site prior to the commencement of the development. This was not accompanied by a timescale for implementation. In respect of enforcement, it was noted that the powers held by the Environment Agency (for surface water discharges) and Southern Water meant that they were often better placed to deal with enforcement matters.

Members expressed concern that by Southern Water not commenting on planning applications it made it difficult for the Planning Committee to act where there were concerns over water supply or drainage. The Head of Regeneration and Development confirmed to Members that he had raised this point with Southern Water and although they were not a statutory consultee it would be permissible for Southern Water to raise concerns that they might have as part of any response.

There were on-going discussions on the matter of conditions that could be applied and the enforcement of them and the Head of Regeneration and Development advised that he would update the committee on the outcome of those discussions at a future meeting. Members urged a firmer line in respect of the enforcement of conditions.

#### Drainage Area Plan

Southern Water was undertaking a review of its Drainage Area Plan for the Dover and Folkestone area and this would inform it as to the capacity of its sewerage network and how it would respond to storms and housing growth. Dover District Council and Shepway District Council would be consulted as part of review, which was expected to be completed during the financial year 2016/17.

In response to a question from Councillor M J Ovenden, Mr P Kent stated that he would have to check as to whether the River Stour Internal Drainage Board had been consulted.

#### Deal Flooding

It was stated that in respect of the remaining flood risk in Deal, Southern Water was waiting for sufficient rainfall for its flow monitoring to identify the problem. The Committee was reassured that it did not need a major flood event to provide sufficient flow for the monitoring system.

In response to a question from Councillor T A Bond that Southern Water recommend the deferral of any future developments until the cause of the flooding was known, it was stated that Southern Water would give due consideration to the matter in its responses to applications.

#### Whitfield

The Committee was advised that the developer at Whitfield had made an unauthorised connection to the Southern Water network that had connected the foul and surface water sewerage networks. The Head of Regeneration and Development stated that Building Control had become aware of the breach in the planning conditions as a result of a flood incident and the matter was now with Southern Water to resolve as they had stronger enforcement powers.

Councillor J S Back questioned whether there was sufficient capacity at Whitfield as he was personally aware of 6 flooding incidents in Deal during 2014, including one incident where a manhole cover had been dislodged due to pressure from the flooding. Mr P Kent advised that although there was not capacity for the full development at Whitfield in the existing network but there was sufficient in the initial phase (94 dwellings) of the development. Where a development was delivered in stages, such as in Whitfield, the conditions were only partially discharged until the whole development was complete and conditions 34, 35 and 51, which had been the source of concern from Members, had therefore not been discharged in full at this time.

#### Snowdown

In response to a question from Councillor L A Keen, it was stated that the development at Snowdown Working Men's Club was served by a private sewerage network and Southern Water was therefore not responsible for any flooding of properties that had occurred.

RESOLVED: That Southern Water and the Head of Regeneration and Development be thanked for attending the meeting and answering the Committee's questions.

The meeting ended at 7.41 pm.





# Notice of Forthcoming Key Decisions

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

Publication Date: 2 September 2016

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

Key Decisions 2016/17	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
1	Preparation of the Dover District Council Draft Community Infrastructure Levy Charging Schedule	3 December 2012 and dates to be confirmed
2	Neighbourhood Plans	June 2013 and ongoing (see entry)
3	Gypsy, Traveller and Travelling Showpeople Development Plan	Date to be confirmed
4	Dover Town Centre Regeneration: To consider progress on the Compulsory Purchase Order and any issues arising which may go beyond the scope of the resolutions incorporated in Minute CAB 87	8 September 2014/24 April 2015/7 March 2016 and ongoing
5	Approval of the award of a contract for the electrical re-wiring of Council-owned properties	Date to be confirmed
6	Revised Hackney Carriage and Private Hire Licensing Policy	1 February 2016 and 4 July 2016
7	To consider: a) the result of consultation on the extension of the Kingsdown Conservation Area boundary and b) the introduction of an Article 4 Direction	a) 29 February 2016 b) 5 September 2016
8	To seek approval for the implementation of the Indoor Sports Facility Strategy and support the work being undertaken to replace Dover Leisure Centre.	7 March and 4 July 2016
9	Approval of Housing Adaptations Policy	9 May 2016
10	To seek Cabinet approval for public consultation on draft Nelson Street, Deal Conservation Area Appraisal	5 September 2016 and date to be confirmed
11	Future provision of Grounds Maintenance Services	9 May 2016
12	Extension to fitness suite at Tides Leisure Centre, Deal	3 October/7 November 2016
13	Parking Strategy Review	9 May and 5 September 2016
14	Approval of Fuel Poverty Strategy for Kent	5 September 2016
15	Review of Aylesham Village Expansion Development Agreement	3 October/7 November 2016
16	Approval to develop detailed plans for replacement of Dover Leisure Centre	25 July and 20 September 2016 (special Cabinet meeting) and ongoing
17	Project approval for the refurbishment of Norman Tailyour House	5 September 2016
18	To agree the Council's requirements for the submission of financial viability assessments	Date to be confirmed (Developer Contributions Executive Committee)

Key Decisions 2016/17	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
19	Authority Monitoring Report	5 December 2016
20	Statutory Brownfield Register	5 December 2016
21	Review of Tenancy Strategy and Tenancy Policy	December 2016-February 2017
22	Approval of draft Waterloo Crescent, Dover Conservation Area Appraisal for public consultation	3 October 2016 and date to be confirmed

- 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](http://www.dover.gov.uk)).

# OVERVIEW AND SCRUTINY WORK PROGRAMME 2016/17

## SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
May 2016	Water Drainage and Infrastructure (Whitfield)	Single Meeting	Head of Regeneration and Development Southern Water (External)	£0	£0	To receive representations in respect of the water drainage and infrastructure for Whitfield.
June 2016	No meeting held					
July 2016	Briefing Note on Role of Secretary of State in respect of Fracking Applications	Single Meeting	Team Leader – Democratic Support	£0	£0	To consider the update report.
	Regeneration Update	Single Meeting	Head of Inward Investment	£0	£0	To receive an update on regeneration activity in the district. [This date is provisional and subject to change depending on other topics.]
August 2016	No meeting scheduled					
September 2016	Project Approval for the Refurbishment of Norman Tailyour House	Single Meeting		£0		To consider the report.
	Key Question Setting – East Kent Housing and Planning Enforcement	Single Meeting		£0		To set key questions.

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
	Site Visit to the DTIZ	Single Meeting 29 September 2016	Head of Inward Investment	£0		To undertake a site visit to the DTIZ.
October 2016	Enforcement and Monitoring of Planning Conditions	Single Meeting	Head of Regeneration and Delivery	£0		To receive an update on the enforcement and monitoring of planning conditions.
November 2016	East Kent Housing	Single Meeting	Chief Executive, East Kent Housing	£0		To receive an update from East Kent Housing. [Key questions to be set]
December 2016	Crime and Disorder Update	Single Meeting	Head of CCTV, Parking and Community Safety	£0		To receive one of two annual updates on crime and disorder. [This date is provisional and subject to change depending on other topics.]
January 2017	Youth Services	Single Meeting	To be determined	£0		To meet with Cllr Mike Hill (KCC Cabinet Member for Community Services) and Mr Nigel Baker (KCC) as well as service providers to discuss youth services in the Dover District. <b>[DATE CONFIRMED]</b>
February 2017	Regeneration Update	Single Meeting	Head of Inward Investment	£0		To receive an update on regeneration activity in the district. [This date is provisional and subject to change depending on other topics.]
March 2017	Crime and Disorder Update	Single Meeting	Head of CCTV, Parking and Community Safety	£0		To receive one of two annual updates on crime and disorder. [This date is provisional and subject to change depending on other topics.]
April 2017						

Month	Scrutiny (Community and Regeneration) Committee	Resource Implications for Scrutiny				Action
		Members	Officers (Corporate Expenditure unless otherwise stated)	Scrutiny Budget Expenditure		
				Projected	Actual	
May 2017						

**The Committee is asked to agree the inclusion of the following items in its work programme with dates to be determined by Democratic Support.**

tbc	South Eastern Trains	Single Meeting	Waiting for confirmation of attendees and dates	£		To invite representatives from Southern Trains to answer questions from the Committee. [Date to be confirmed]
tbc	Kent Police and Crime Commissioner	Single Meeting	Team Leader – Democratic Support	£0		To discuss policing in the Dover District. [This date is provisional and subject to confirmation of attendance.]
tbc	Operation Stack / A20 Traffic Assessment Phase (TAP)	Single Meeting	To be confirmed	£		To invite representatives from key stakeholders to attend a meeting to discuss Operation Stack / TAP. [Date to be confirmed]
tbc	Community Highways Issues	Single Meeting	To be confirmed	£		To invite representatives of KCC Highways to discuss community highways issues such as lorry parking and 20 mph speed limits. [Date to be confirmed]
tbc	Registered Landlord Briefing Social	Single Meeting	To be confirmed	£		To invite RSL's in the area to a meeting to discuss member engagement. [Date to be confirmed]

**The following items are included within the Forward Plan and have been identified for inclusion within the Work Programme**

tbc	Preparation of a revised 'Statement of Community Involvement' applicable to the Council's planning process	Single Meeting	Head of Regeneration and Development	£0		To be combined with the Community Infrastructure Levy Update.
Tbc	Community Infrastructure Levy Update	Single Meeting	Head of Regeneration and Development	£0		To be arranged.
tbc	Gypsy, Traveller and Travelling Showpeople Development Plan	Single Meeting	Head of Regeneration and Development	£0		To consider the report.

**Scrutiny (Community and Regeneration) Committee**

**Wednesday 12 October 2016 at 6.00pm**

**Key Questions for Enforcement and Monitoring of Planning Conditions**

Planning Processes

- Q1. How are planning applications allocated to officers?
- Q2. Once a condition has been applied what process, if any, is in place to remind officers that they need to be implemented?

Application of Planning Conditions

- Q3. Why hasn't the planning department imposed mandatory condition for a section 38 where a road is being built?
- Q4. Explain what is 'reasonable' and 'enforceable' for planning conditions?

Resourcing Enforcement

- Q5. How many planning enforcement officers does the council have, how many should it have and how many does it need?
- Q6. Is a lack of resources affecting the enforcement of planning conditions?

Enforcement Performance

- Q7. How long does the average planning enforcement case take to reach conclusion?
- Q8. Is there a backlog of planning enforcement cases and if so, how many and what is being done to clear it?
- Q9. Are Kent Highways and Highways England responsible for delaying enforcement action in some cases and if so, what can be done to resolve this?

Prioritising Enforcement

- Q10. Who in the department decides exactly what is in the public interest, because this is a very regularly used phrase to councillors and to the general public when the enforcement team state that it is not in the public interest to pursue this matter. With the greatest respect I would suggest that the public have a very different perception of what is in their interest.



- Q11. Why is the planning enforcement team willing to tackle with all its powers the soft targets, such as elderly couples who paint their door the wrong shade, but they ignore big developers who ignore planning conditions?
- Q12. Why is the Sandwich Conservation area not consistently enforced given that Velux Windows appear to be allowed in some streets but not others?
- Q13. Is there a time limit within which action must be taken in respect of a breach of planning conditions, particularly in respect of Lydden?

#### 'Stop Notices'

- Q14. How many "stop notices" has the Council issued in the last 3 years?
- Q15. What are the criteria for issuing "stop notices"?

#### Communication with Elected Members

- Q16. In the planning enforcement departments dictionary what please is the definition of the word regular?

The background behind this question being that approximately 3 years ago all councillors were invited to the first of a regular series of presentations by the enforcement team on their work, and we were given an up to date list of the 300 plus active cases, and promised regular updates, is regular once a century or once a millennium.

#### Communicating Variations on Major Developments

- Q17. What is the process for advertising variations to large planning applications and what is done to ensure that the detail of the variation is communicated in such a way that the ordinary person can understand it?
- Q18. What are the guidelines that officers use when determining whether to accept a request from a developer for a variation to planning conditions? Please could a copy of these guidelines be provided to councillors.