

# Public Document Pack



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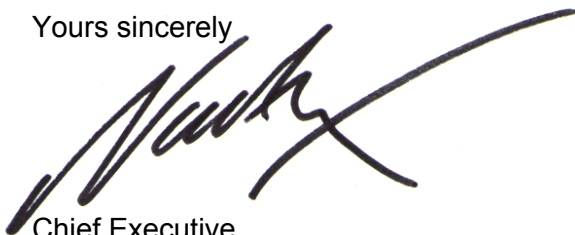
31 August 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these offices (Council Chamber) on Monday 10 September 2018 at 11.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely



Chief Executive

## Cabinet Membership:

K E Morris	Leader of the Council
M D Conolly	Deputy Leader of the Council
J S Back	Portfolio Holder for Built Environment
T J Bartlett	Portfolio Holder for Property Management and Environmental Health
P M Beresford	Portfolio Holder for Housing and Homelessness
N J Collor	Portfolio Holder for Access and Licensing
M J Holloway	Portfolio Holder for Community Services
N S Kenton	Portfolio Holder for Environment, Waste and Health

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **DECLARATIONS OF INTEREST** (Page 5)

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

3 **RECORD OF DECISIONS** (Pages 6-14)

The Decisions of the meeting of the Cabinet held on 2 July 2018 numbered CAB 11 to CAB 22 (inclusive) are attached.

4 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 15-18)

The Notice of Forthcoming Key Decisions is included in the agenda to enable the Cabinet to identify future agenda items of public interest that should be subject to pre-Cabinet scrutiny.

5 **ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES**

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

a East Kent Housing (Page 19)

To consider the attached recommendation of the Scrutiny (Community and Regeneration) Committee.

## **BUDGET AND POLICY FRAMEWORK - NON-KEY DECISIONS**

6 **TREASURY MANAGEMENT YEAR-END REPORT 2017/18** (Pages 20-38)

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

Responsibility: Portfolio Holder for Corporate Resources and Performance

## **EXECUTIVE - KEY DECISIONS**

7 **STATEMENT OF COMMUNITY INVOLVEMENT** (Pages 39-60)

To consider the attached report of the Chief Executive.

Responsibility: Portfolio Holder for Built Environment

8 **PLANNING ENFORCEMENT PLAN** (Pages 61-85)

To consider the attached report of the Chief Executive.

Responsibility: Portfolio Holder for Built Environment

9 **RESTORATION OF MAISON DIEU (DOVER TOWN HALL)** (Pages 86-95)

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

Responsibility: Portfolio Holder for Property Management and Environmental Health

10 **GRANT SCHEME FOR PROPERTY RENOVATIONS** (Pages 96-117)

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

Responsibility: Portfolio Holder for Corporate Resources and Performance

## **EXECUTIVE - NON-KEY DECISIONS**

11 **'STEPPING STONES' - APPLICATION TO THE INTERREG CHANNEL PROGRAMME** (Pages 118-135)

To consider the attached report of the Natural Environment Manager.

Responsibility: Portfolio Holder for Property Management and Environmental Health

12 **PERFORMANCE REPORT - FIRST QUARTER 2018/19** (Pages 136-156)

To consider the attached report of the Chief Executive.

Responsibility: Portfolio Holder for Corporate Resources and Performance

13 **NOMINATION OF TRUSTEE TO MUNICIPAL CHARITIES OF DOVER**

This item was deferred by Cabinet at its meeting held on 2 July 2018.

Mr Alan Shirley was appointed by the Council as a trustee of the Municipal Charities of Dover in June 2016. The Council has been advised that Mr Shirley resigned as a trustee on 7 June 2018.

Dover District Council nominates five trustees to the charity which is responsible for managing and letting almshouse accommodation. The existing DDC trustees are Councillors Pauline Beresford (appointment expires May 2019) and John Heron (July 2021), Mrs Sue Nicholas (May 2019) and Mr Roger Walkden (May 2020).

Cabinet is requested to nominate a replacement trustee for Mr Shirley for a term of 4 years. The nominated trustee does not have to be a Member, but he/she should ideally reside or work in Dover or the parishes of Langdon, Alkham, Hougham Without, Temple Ewell, River, Shepherdswell with Coldred, Capel-le-Ferne or Whitfield.

14 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 157)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

## **EXECUTIVE - KEY DECISIONS**

15 **KEARSNEY ABBEY - DISABLED CHANGING FACILITY AND CONTINGENCY FUND** (Pages 158-160)

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

Responsibility: Portfolio Holder for Property Management and Environmental Health

## **EXECUTIVE - NON-KEY DECISIONS**

16 **DISPOSAL OF LAND ADJACENT TO 75 TRINITY PLACE, DEAL** (Pages 161-186)

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

Responsibility: Portfolio Holder for Property Management and Environmental Health

### **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 will be published on our website as soon as practicably possible after 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 Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 2 July 2018 at 11.00 am

Present:

Chairman: Councillor K E Morris

Councillors: J S Back  
T J Bartlett  
P M Beresford  
M D Conolly  
N J Collor  
M J Holloway  
N S Kenton

Also Present: Councillor S S Chandler  
Councillor M R Eddy  
Councillor B Gardner  
Councillor S J Jones  
Councillor A M Napier  
Councillor P Walker

Officers: Chief Executive  
Director of Environment and Corporate Assets  
Director of Finance, Housing and Community  
Head of Community Services  
Head of Regulatory Services  
Environmental Protection Manager  
Principal Infrastructure and Delivery Officer  
Principal Leisure Officer  
Democratic Services Manager

**The formal decisions of the executive are detailed in the following schedule.**

## Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 11 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 10 July 2018	<u>APOLOGIES</u>  It was noted that there were no apologies for absence.	None.	To note any apologies for absence.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 12 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation</b>	<u>DECLARATIONS OF INTEREST</u>  There were no declarations of interest.	None.	To note any declarations of interest.	

<b>Date</b> 10 July 2018				
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<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
CAB 13 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 10 July 2018	<u>RECORD OF DECISIONS</u>  It was agreed that the decisions of the meeting of the Cabinet held on 4 June 2018, as detailed in decision numbers CAB 1 to CAB 10, be approved as a correct record and signed by the Chairman.	None.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 4 June 2018.	

<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
CAB 14 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation</b>	<u>NOTICE OF FORTHCOMING KEY DECISIONS</u>  It was agreed that there were no forthcoming Key Decisions identified for pre-Cabinet Scrutiny at this stage.	None.	Cabinet is requested to identify any Key Decisions that it considers would be beneficial to refer to one of the Scrutiny Committees before the matter comes before Cabinet for	



<b>Date</b> 10 July 2018			formal consideration.	
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<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
<p>CAB 15 2.7.18 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 10 July 2018</p>	<p><u>EXTENSION AND VARIATION OF PUBLIC SPACES PROTECTION ORDER</u></p> <p>It was agreed:</p> <p>(a) That 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), be approved.</p> <p>(b) That, having regard to the conditions within s.59 of the Act, the variation of the Order in accordance with s.61(1)(a) of the Act be approved.</p> <p>(c) That the Head of Regulatory Services be authorised 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.</p> <p>(d) That the setting of the amount of any fixed penalty notice issued under s.68 of the Act at £75 be approved.</p> <p>(e) That a further period of statutory and public consultation in relation to the inclusion of areas identified in Appendix 3 of the report be approved.</p>		<p>The Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities powers to make protection orders to address anti-social behaviour carried out in public spaces.</p> <p>Consultation on the extension and variation of the Council's existing Public Spaces Protection Order 2015 expired on 9 April 2018. Comments received have been taken into consideration, and approval is now sought to extend and vary the Order in relation to the</p>	

			control of dogs.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 16 2.7.18 Open  <b>Key Decisions</b> Yes  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 10 July 2018	<u>REVISED CONTAMINATED LAND INSPECTION STRATEGY 2018</u>  It was agreed that the revised Contaminated Land Inspection Strategy be approved.		The Council is required to prepare a Contaminated Land Inspection Strategy under the terms of Part II A of the Environmental Protection Act 1990, and to review it from time to time. The Council's existing strategy dates from 2001 and was reviewed and amended in 2007 and 2014.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 17 2.7.18 Open  <b>Key Decisions</b> Yes	<u>TIDES LEISURE CENTRE</u>  It was agreed:  (a) That investigations into two preferred options for the future provision of wet and dry indoor leisure facilities at Tides Leisure Centre be continued.			

<p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 10 July 2018</p>	<p>(b) That the use of £710,000 from the Tides Leisure Centre Refurbishment Project included in the Medium-Term Financial Plan be approved as follows:</p> <ul style="list-style-type: none"> <li>▪ £600,000 for urgent plant refurbishment works to address essential maintenance issues at Tides;</li> <li>▪ £10,000 to support the next stage of project development through further investigation of preferred options;</li> <li>▪ £100,000 provision to meet the cost of any emergency works that arise while the preferred options are being investigated.</li> </ul> <p>(c) That the Director of Environment and Corporate Assets be authorised, 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.</p> <p>(d) That the Director of Environment and Corporate Assets be authorised, 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.</p>			
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<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
CAB 18 2.7.18 Open	<p><u>DISPOSAL OF THE GUILDHALL AND MARKET SQUARE, SANDWICH</u></p> <p>It was agreed:</p>		Sandwich Town Council is working with partners to develop plans to	

<b>Key Decisions</b> Yes  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 10 July 2018	<p>(a) That the freehold transfer of the ownership of The Guildhall and Market Square, Sandwich to Sandwich Town Council be approved.</p> <p>(b) That the termination of the 'Sandwich Agreement' be approved.</p> <p>(c) That it be confirmed that the ownership of 2 Market Street rests with Dover District Council.</p> <p>(d) That the Director of Environment and Corporate Assets be authorised, in consultation with the Portfolio Holder for Property Management and Environmental Health, to negotiate both the terms and conditions associated with the proposed transfer.</p> <p>(e) That the Director of Environment and Corporate Assets be authorised, in consultation with the Head of Museums and Tourism and the Portfolio Holder for Community Services, the agreement of arrangements regarding the future ownership and custody of the contents of The Guildhall.</p>		reinvigorate The Guildhall and surrounding area. In order to take full control of this area and the long-term management of historic assets, the Town Council has indicated its wish to acquire the freehold of The Guildhall and Market Square.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 19 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b>	<u>FINANCIAL OUT-TURN 2017/18</u>  It was agreed that the report be received and noted.		The financial out-turn report to Cabinet provides a more accessible version of the Council's accounts for 2017/18, updating Members on the Council's financial standing.	

10 July 2018				
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 20 2.7.18 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 10 July 2018	<u>SHORT-TERM PROPOSAL FOR THE FORMER CO-OP BUILDING, CASTLE STREET, DOVER</u>  It was agreed:  (a) That 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, be approved.  (b) That the Director of Environment and Corporate Assets be authorised, in consultation with the Leader of the Council, to take all necessary steps to progress and implement the project.  (c) That the use of the Periodic Operations Reserve to meet the Council's costs to support delivery of this project be approved.		The former Co-op building in Castle Street was purchased by the Council in April this year in line with its property investment strategy. Cabinet is requested to agree that the site be utilised in the short term while plans for its long-term use are developed.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 21 2.7.18 Open  <b>Key Decisions</b> No	<u>RELEASE OF SKY LANTERNS AND HELIUM BALLOONS ON COUNCIL LAND</u>  It was agreed that the amendment of the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council-owned land and buildings be		To reflect growing concerns about the risks to wildlife and the fire risk presented by helium balloons	

<p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 10 July 2018</p>	<p>approved.</p>		<p>and sky lanterns, the Council, like a significant number of other local authorities, proposes to prohibit the release of balloons and lanterns on Council-owned land.</p>	
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<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
<p>CAB 22 2.7.18 Open</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 10 July 2018</p>	<p><u>NOMINATION OF TRUSTEE TO MUNICIPAL CHARITIES OF DOVER</u></p> <p>It was agreed to defer the matter to the Cabinet meeting to be held on 10 September 2018 to allow the Leader of the Council more time to discuss the matter with potential candidates for the appointment.</p>	<p>To nominate a trustee at the meeting of the Cabinet held on 2 July 2018.</p>	<p>Cabinet is requested to nominate a trustee to serve on the Municipal Charities of Dover in replacement of Mr Alan Shirley who has recently resigned.</p>	

The meeting ended at 11.28am.



# Notice of Forthcoming Key Decisions

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

Publication Date: 31 August 2018

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

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



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

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

Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Notice of Forthcoming Key Decisions.

(2) The Council's Corporate Management Team reserves the right to vary the dates set for consultation deadline(s) and for the submission of reports to Cabinet and Council in respect of Key Decisions included within this version of the notice. Members of the public can find out whether any alterations have been made by looking at the Council's website ([www.dover.gov.uk](http://www.dover.gov.uk)).

## ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

Responsibility: Portfolio Holder for Housing and Homelessness

Report of: Not applicable

### **Decision Route**

Scrutiny (Community and Regeneration) Committee	4 July 2018	Minute No 22
Cabinet	10 September 2018	

### **Scrutiny (Community and Regeneration) Committee Recommendation**

The Scrutiny (Community and Regeneration) Committee, at its meeting held on 4 July 2018, made the following recommendation to Cabinet:

That Cabinet requests East Kent Housing to introduce 5-year fixed terms of office for Engaged Tenants, with the Engaged Tenant given the opportunity to re-apply at the end of the fixed term in order to reduce the risk of institutionalisation and provide opportunities for new tenants to become involved.

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<b>Subject:</b>	<b>TREASURY MANAGEMENT YEAR-END REPORT 2017/18</b>
<b>Meeting and Date:</b>	<b>Governance – 30 July 2018</b> <b>Cabinet – 10 September 2018</b> <b>Council – 31 October 2018</b>
<b>Report of:</b>	<b>Mike Davis, Director of Finance, Housing and Community</b>
<b>Portfolio Holder:</b>	<b>Councillor Mike Connolly, Portfolio Holder for Corporate Resources and Performance</b>
<b>Decision Type:</b>	<b>Non-Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To provide details of the Council's treasury management for the financial year ended 31 March 2018 (Q4) and an update of activity to date.
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<b>Recommendation:</b>	That the report is received
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**1. Summary**

- 1.1 This report covers the outturn for the year ending March 2018. The main points to note are that, while we are outperforming the benchmark, interest rates are low, and we are working to get the best returns we can but, nonetheless, we are likely to see reduced income from bank and other short-term deposits in the future that will be an additional budget pressure. To mitigate this, we have appointed new treasury advisers, Arlingclose Ltd, from 1 April 2017, to explore alternative treasury management options.
- 1.2 As at 31 March 2018, the Council's investment portfolio totalled £43.4m (see Appendix 2). Additionally, cashflow funds were lower than anticipated (£3.1m at 31 March 2018) due to normal year end cashflow fluctuations. Cashflow funds have since increased (to £9.5m at 30 June 2018).
- 1.3 The Council has remained within its Treasury Management guidelines. The Council has complied with the Prudential Code guidelines during the period.
- 1.4 The Council's investment return for the year was 0.84%, which outperformed the benchmark<sup>1</sup> by 0.25%. The Council's budgeted investment return for 2017/18 was £305k, and performance for the year was £525k, which is a favourable variance of £220k. This is due to investing in long-term pooled investment funds that generate a much better rate of return than call accounts and money market funds.
- 1.5 During the last quarter of 2017/18, £8 million was invested with Payden and Rygel. This was in addition to £18m invested in other pooled funds during the previous quarters, following the recommendations of our treasury advisers, which were considered at the Investment Advisory Group on 4 October 2017. Accordingly, £6m

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<sup>1</sup> The "benchmark" is the interest rate against which performance is assessed. DDC use the London Inter-Bank Bid Rate or LIBID, as its benchmark.

was invested in the CCLA property fund, £6 million was invested in Colombia Threadneedle's strategic bond fund, and £6 million was invested in Investec's diversified income fund (all funds forecast to generate annual returns exceeding 4%).

- 1.6 A new International Financial Reporting Standard (IFRS9), due to be implemented from 2018/19, could force us to charge unrealised gains or losses on the capital value of such funds to the General Fund revenue budget each year, even if we propose to hold the funds for a longer period of time and avoid selling if the capital value is lower than the price paid. It is often normal to pay a premium on purchasing such funds, as with the CCLA Property Fund, to take account of stamp duty and other costs but, over time, the capital value is expected to rise, based on past trends, so that capital losses are unlikely in the longer term. However, we currently recognise the dividend returns, paid each year, and credit these returns to our budget. We are awaiting further guidance from CIPFA as to whether there will be any statutory override for local authorities. In the meantime, to reduce the potential impact of this on the General Fund, the 2018/19 budget proposes setting aside £2m in the Dover Regeneration and Economic Development Reserve as a prudent provision for any unexpected potential fluctuations in the capital value of investments.

## 2. Introduction and Background

- 2.1 CIPFA (the Chartered Institute of Public Finance and Accountancy) issued the revised Code of Practice for Treasury Management in November 2011: it recommends that members should be updated on treasury management activities at least twice a year, but preferably quarterly. This report therefore ensures this council is implementing best practice in accordance with the Code.
- 2.2 In order to comply with the CIPFA code referred to above, a brief summary is provided below and Appendix 1 contains a full report from the Council's treasury management advisers, Arlingclose Ltd.
- 2.3 Members are asked to note that in order to minimise the resource requirements in producing this report, Arlingclose's report has been taken verbatim with regards to their explanation of the economic background. Generally, treasury advisers use a more journalistic style than is used by our officers, but in order to avoid changing the meaning or sense of Arlingclose's work, this has not been edited out.
- 2.4 Council adopted the 2017/18 Treasury Management Strategy Statement (TMSS) on 1 March 2017 as part of the 2017/18 Budget and Medium Term Financial Plan.

## 3. Annual Investment Strategy

- 3.1 The investment portfolio, as at the end of March 2018, is attached at Appendix 2. Total balances held for investment and cash-flow purposes were £46.5m, rising to £48m at the end of June (see Appendix 4). The increase reflects normal cash-flow fluctuations arising from the timing of 'major preceptor' payments, which are made over twelve months, while the Council Tax receipts that fund them typically come in over the ten months to January and then decline.
- 3.2 The Gilt holding of £1.9 million remains with King and Shaxson and will be held until its maturity date of 22 July 2018, at which point it is proposed to reinvest it in a pooled investment fund.

- 3.3 Since the end of the quarter, three deposits have matured. The £7.5m Birmingham City Council deposit that matured on 27 April 2018 has been rolled over for a further three months until 27 July at a rate of 0.70%. The £3m with Mid Suffolk District Council has also been rolled over for a further three months until 15 August at a rate of 0.55%. The £5m deposit with Suffolk County Council was returned to cash flow on maturity.
- 3.4 Cash flow funds decreased from £13m at 31 December 2017 to £3.1m at 31 March 2018 (see Appendix 2). This is normal and expected, as there are reduced council tax receipts in February and March (generally paid over 10 months from April to January), while preceptors on the Collection Fund are paid their shares of Council Tax income evenly over the year. There was also a further six-monthly PWLB loan instalment of £2.35m paid for the 2017/18 year at the end of March 2018. Cashflow funds have increased from £3.1m at the end of March 2018 to £9.5m at the end of June 2018 (see Appendix 4).

#### 4. Economic Background

- 4.1 The report attached (Appendix 1) contains information up to the end of March 2018; since then we have received the following update from Arlingclose (in italics). Please note that any of their references to quarters are based on *calendar* years:

##### ***Introduction***

- 4.2 *The anticipated May 2018 interest rate rise did not materialise. It is now widely expected to happen at the next MPC meeting in August. UK economic data continues to remain positive although there is still some uncertainty with how Brexit will impact this.*

##### ***UK Data***

- 4.3 *The MPC minutes supported Arlingclose's view that the MPC will seek to raise the Bank Rate in the short term. While the majority of the Committee voted to maintain Bank Rate at 0.5% as expected, the unexpected vote for a rate hike by the Bank's chief economist increased the probability of a near term rate rise.*
- 4.4 *The projected outlook for the UK economy, however, means that monetary tightening in the current environment could be a potential policy error.*
- 4.5 *The MPC has a definite bias towards tighter monetary policy. While policy makers are wary of domestic inflationary pressures over the next two years, Arlingclose believe that MPC members consider both that: 1) ultra-low interest rates result in other economic problems, and that 2) higher Bank Rate will be a more effective weapon should downside Brexit risks crystallise.*
- 4.6 *The current soft UK economic environment prompted the MPC not to tighten policy in May. The economic data since then has been mixed, but suggests that GDP growth will recover somewhat in Q2 2018 after the weak expansion in Q1. The MPC appears to be focused on data sets that support monetary tightening, at the expense of others that show a less healthy economic environment.*
- 4.7 *As noted previously, the Bank has moved the goalposts around both the forecast horizon and supply capacity of the UK economy in order to justify monetary tightening even in a below-trend economic environment.*

- 4.8 *Our view is that the UK economy still faces a challenging outlook as the minority government continues to negotiate the country's exit from the European Union. Central bank actions and geopolitical risks, such as prospective trade wars, have and will continue to produce significant volatility in financial markets, including bond markets.*
- 4.9 *The initial estimate of GDP growth in Q1 was 0.1%, since revised to 0.2%. The estimate is lower than predicted in February and the Bank of England believes the adverse weather conditions prevalent in February and March resulted in the weaker growth. The MPC expect GDP growth to be around 1.75% for the year.*
- 4.10 *CPI inflation fell to 2.5% in March and has fallen further to 2.4% in June. CPI inflations is anticipated to fall back to target quicker than expected.*
- 4.11 *Wage growth and domestic cost pressures are rising gradually as was expected. The rate at which productivity levels are expected to grow is projected to remain well below pre-crisis rate and the UK economy has very limited degree of slack.*

#### **Bank Base Rate**

- 4.12 *Arlingclose expects the Bank of England will raise the base rate once in 2018 and twice in 2019.*

#### **BANK RATE**

Q2 2018	0.50%
Q3 2018	0.75%
Q4 2018	0.75%
Q1 2019	1.00%

#### 5. New Borrowing

- 5.1 The Council's borrowing portfolio is attached at Appendix 3. No new external borrowing was taken out in 17/18 as internal borrowing has been used to fund capital expenditure in the short term.

#### 6. Debt Rescheduling

- 6.1 At this time it is not of benefit to the Council to consider rescheduling any of its long-term debt.

#### 7. Compliance with Treasury and Prudential Limits

- 7.1 The Council has operated within the Prudential Indicators in compliance with the Council's Treasury Management Practices.

#### 8. **Corporate Implications**

- 8.1 Comment from the Section 151 Officer: Finance have no further comments to make. (SG)
- 8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (HR)

8.3 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> (KM)

## **9. Appendices**

Appendix 1 – Arlingclose treasury management outturn report for 2017/18

Appendix 2 – Investment portfolio as at 31 March 2018

Appendix 3 – Borrowing portfolio as at 31 March 2018

Appendix 4 – Investment portfolio as at 30 June 2018

## **10. Background Papers**

Medium Term Financial Plan 2017/18 – 2020/21

Contact Officer: Stuart Groom, extension 2072



## Treasury Management Report Q4 2017/18

### Introduction

In March 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve a treasury management annual report after the end of each financial year.

This report fulfils the Authority's legal obligation to have regard to the CIPFA Code.

The Authority's treasury management strategy for 2017/18 was approved at a meeting on 1<sup>st</sup> March 2017. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

### External Context

#### **Economic commentary**

2017-18 was characterised by the push-pull from expectations of tapering of Quantitative Easing (QE) and the potential for increased policy rates in the US and Europe and from geopolitical tensions, which also had an impact.

The UK economy showed signs of slowing with latest estimates showing GDP, helped by an improving global economy, grew by 1.8% in calendar year 2017, the same level as in 2016. This was a far better outcome than the majority of forecasts following the EU Referendum in June 2016, but it also reflected the international growth momentum generated by the increasingly buoyant US economy and the re-emergence of the Eurozone economies.

The inflationary impact of rising import prices, a consequence of the fall in sterling associated with the EU referendum result, resulted in year-on-year CPI rising to 3.1% in November before falling back to 2.7% in February 2018. Consumers felt the squeeze as real average earnings growth, i.e. after inflation, turned negative before slowly recovering. The labour market showed resilience as the unemployment rate fell back to 4.3% in January 2018. The inherent weakness in UK business investment was not helped by political uncertainty following the surprise General Election in June and by the lack of clarity on Brexit, the UK and the EU only reaching an agreement in March 2018 on a transition which will now span Q2 2019 to Q4 2020. The Withdrawal Treaty is yet to be ratified by the UK parliament and those of the other 27 EU member states and new international trading arrangements are yet to be negotiated and agreed.

The Bank of England's Monetary Policy Committee (MPC) increased Bank Rate by 0.25% in November 2017. It was significant in that it was the first rate hike in ten years, although in essence the MPC reversed its August 2016 cut following the referendum result. The February *Inflation Report* indicated the MPC was keen to return inflation to the 2% target over a more conventional (18-24 month) horizon with 'gradual' and 'limited' policy tightening. Although in March two MPC members voted to increase policy rates immediately and the MPC itself stopped short of committing itself to the timing of the next increase in rates, the minutes of the meeting suggested that an increase in May 2018 was highly likely.

In contrast, economic activity in the Eurozone gained momentum and although the European Central Bank removed reference to an 'easing bias' in its market communications and had yet to confirm its QE intention when asset purchases end in September 2018, the central bank appeared some way off normalising interest rates. The US economy grew steadily and, with its policy objectives of price stability and maximising employment remaining on track, the Federal Reserve Open Market Committee (FOMC) increased interest rates in December 2017 by 0.25% and again in March, raising the policy rate target range to 1.50% - 1.75%. The Fed is expected to deliver two more increases in 2018 and a further two in 2019. However, the imposition of tariffs on a broadening range of goods initiated by the US, which has led to retaliation by China, could escalate into a deep-rooted trade war having broader economic consequences including inflation rising rapidly, warranting more interest rate hikes.

**Financial markets:** The increase in Bank Rate resulted in higher money markets rates: 1-month, 3-month and 12-month LIBID rates averaged 0.32%, 0.39% and 0.69% and at 31<sup>st</sup> March 2018 were 0.43%, 0.72% and 1.12% respectively.

Gilt yields displayed significant volatility over the twelve-month period with the change in sentiment in the Bank of England's outlook for interest rates. The yield on the 5-year gilts which had fallen to 0.35% in mid-June rose to 1.65% by the end of March. 10-year gilt yields also rose from their lows of 0.93% in June to 1.65% by mid-February before falling back to 1.35% at year-end. 20-year gilt yields followed an even more erratic path with lows of 1.62% in June, and highs of 2.03% in February, only to plummet back down to 1.70% by the end of the financial year.

The FTSE 100 had a strong finish to calendar 2017, reaching yet another record high of 7688, before plummeting below 7000 at the beginning of 2018 in the global equity correction and sell-off.

#### **Credit background:**

##### Credit Metrics

In the first quarter of the financial year, UK bank credit default swaps reached three-year lows on the announcement that the Funding for Lending Scheme, which gave banks access to cheaper funding, was being extended to 2018. For the rest of the year, CDS prices remained broadly flat.

The rules for UK banks' ring-fencing were finalised by the Prudential Regulation Authority and banks began the complex implementation process ahead of the statutory deadline of 1st January 2019. As there was some uncertainty surrounding which banking entities the Authority would be dealing with once ring-fencing was implemented and what the balance sheets of the ring-fenced and non-ring-fenced entities would actually look like, in May 2017 Arlingclose advised adjusting downwards the maturity limit for unsecured investments to a maximum of 6 months. The rating agencies had slightly varying views on the creditworthiness of the restructured entities.

Barclays was the first to complete its ring-fence restructure over the 2018 Easter weekend; wholesale deposits including local authority deposits will henceforth be accepted by Barclays Bank plc (branded Barclays International), which is the non-ring-fenced bank.

**Money Market Fund regulation:** The new EU regulations for Money Market Funds (MMFs) were finally approved and published in July and existing funds will have to be compliant by no later than 21st January 2019. The key features include Low Volatility Net Asset Value (LVNAV) Money Market Funds which will be permitted to maintain a constant dealing NAV, providing they meet strict new criteria and minimum liquidity requirements. MMFs will not be prohibited from having an external fund rating (as had been suggested in draft regulations). Arlingclose expects most of the short-term MMFs it recommends to convert to the LVNAV structure and awaits confirmation from each fund.

### Credit Rating developments

The most significant change was the downgrade by Moody's to the UK sovereign rating in September from Aa1 to Aa2 which resulted in subsequent downgrades to sub-sovereign entities including local authorities.

Changes to credit ratings included Moody's downgrade of Standard Chartered Bank's long-term rating to A1 from Aa3 and the placing of UK banks' long-term ratings on review to reflect the impending ring-fencing of retail activity from investment banking (Barclays, HSBC and RBS were on review for downgrade; Lloyds Bank, Bank of Scotland and National Westminster Bank were placed on review for upgrade).

Standard & Poor's (S&P) revised upwards the outlook of various UK banks and building societies to positive or stable and simultaneously affirmed their long and short-term ratings, reflecting the institutions' resilience, progress in meeting regulatory capital requirements and being better positioned to deal with uncertainties and potential turbulence in the run-up to the UK's exit from the EU in March 2019. The agency upgraded Barclays Bank's long-term rating to A from A- after the bank announced its plans for its entities post ring-fencing.

Fitch revised the outlook on Nationwide Building Society to negative and later downgraded the institution's long-term ratings due to its reducing buffer of junior debt. S&P revised the society's outlook from positive to stable.

S&P downgraded Transport for London to AA- from AA following a deterioration in its financial position.

### **Other developments:**

In February, Arlingclose advised against lending to Northamptonshire County Council (NCC). NCC issued a section 114 notice in the light of severe financial challenge and the risk that it would not be in a position to deliver a balanced budget.

In March, following Arlingclose's advice, the Authority removed RBS plc and National Westminster Bank from its counterparty list. This did not reflect any change to the creditworthiness of either bank, but a tightening in Arlingclose's recommended minimum credit rating criteria to A- from BBB+ for FY 2018-19. The current long-term ratings of RBS and NatWest do not meet this minimum criterion although, if following ring-fencing NatWest is upgraded, the bank would be reinstated on the Authority's lending list.

### Local Authority Regulatory Changes

**Revised CIPFA Codes:** CIPFA published revised editions of the Treasury Management and Prudential Codes in December 2017. The required changes from the 2011 Code have been incorporated into subsequent Treasury Management Strategies and monitoring reports.

The 2017 Prudential Code introduces the requirement for a Capital Strategy which provides a high-level overview of the long-term context of capital expenditure and investment decisions and their associated risks and rewards along with an overview of how risk is managed for future financial sustainability. Where this strategy is produced and approved by full Council, the determination of the Treasury Management Strategy can be delegated to a committee. The Code also expands on the process and governance issues of capital expenditure and investment decisions.

In the 2017 Treasury Management Code the definition of 'investments' has been widened to include financial assets as well as non-financial assets held primarily for financial returns such as investment

property. These, along with other investments made for non-treasury management purposes such as loans supporting service outcomes and investments in subsidiaries, must be discussed in the Capital Strategy or Investment Strategy. Additional risks of such investments are to be set out clearly and the impact on financial sustainability is to be identified and reported.

**MHCLG Investment Guidance and Minimum Revenue Provision (MRP):** In February 2018 the MHCLG (Ministry of Housing, Communities and Local Government) published revised Guidance on Local Government and Investments and Statutory Guidance on Minimum Revenue Provision (MRP).

Changes to the Investment Guidance include a wider definition of investments to include non-financial assets held primarily for generating income return and a new category called “loans” (e.g. temporary transfer of cash to a third party, joint venture, subsidiary or associate). The Guidance introduces the concept of proportionality, proposes additional disclosure for borrowing solely to invest and also specifies additional indicators. Investment strategies must detail the extent to which service delivery objectives are reliant on investment income and a contingency plan should be in place if investment yields fall.

The definition of prudent MRP has been changed to “put aside revenue over time to cover the CFR”; it cannot be a negative charge and can only be zero if the CFR is nil or negative. Guidance on asset lives has been updated, applying to any calculation using asset lives. Any change in MRP policy cannot create an overpayment; the new policy must be applied to the outstanding CFR going forward only.

**MiFID II:** As a result of the second Markets in Financial Instruments Directive (MiFID II), from 3<sup>rd</sup> January 2018 local authorities were automatically treated as retail clients but could “opt up” to professional client status, providing certain criteria were met which includes having an investment balance of at least £10 million and the person(s) authorised to make investment decisions on behalf of the authority have at least a year’s relevant professional experience. In addition, the regulated financial services firms to whom this directive applies have had to assess that that person(s) have the expertise, experience and knowledge to make investment decisions and understand the risks involved.

The Authority has met the conditions to opt up to professional status and has done so in order to maintain its erstwhile MiFID II status prior to January 2018. The Authority will continue to have access to products including money market funds, pooled funds, treasury bills, bonds, shares and to financial advice.

### **Local Context**

On 31<sup>st</sup> March 2018, the Authority had net borrowing of £39m arising from its revenue and capital income and expenditure, an increase on 2017 of £14m. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors and the year-on-year change are summarised in table 1 below.

Table 1: Balance Sheet Summary

	31.3.17 Actual £m	2017/18 Movement £m	31.3.18 Actual £m
General Fund CFR	15,266	27,657	42,923
HRA CFR	76,309	(2,175)	74,134
<b>Total CFR</b>	<b>91,575</b>	<b>25,482</b>	<b>117,057</b>
Less: Usable reserves	(60,833)	(6,066)	(66,899)
Less: Working capital	(5,430)	(5,604)	(11,034)
<b>Net borrowing</b>	<b>25,312</b>	<b>13,812</b>	<b>39,124</b>

\* finance leases, PFI liabilities and transferred debt that form part of the Authority's total debt

Net borrowing has increased due to a rise in the CFR as new capital expenditure was higher than the financing applied including minimum revenue provision; offset by an increase in usable reserves; and a rise in working capital due to the timing of receipts and payments.

The Authority's strategy was to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low. The treasury management position as at 31<sup>st</sup> March 2018 and the year-on-year change is shown in table 2 below.

Table 2: Treasury Management Summary

	31.3.17 Balance £m	2017/18 Movement £m	31.3.18 Balance £m	31.3.18 Rate %
Long-term borrowing	85,515	(2,223)	83,292	
Short-term borrowing	6,153	(3,931)	2,223	
<b>Total borrowing</b>	<b>91,668</b>	<b>(6,154)</b>	<b>85,515</b>	<b>3.39%</b>
Long-term investments	0	25,564	25,564	
Short-term investments	55,704	(38,294)	17,410	
Cash and cash equivalents	10,652	(7,235)	3,417	
<b>Total investments</b>	<b>66,356</b>	<b>(19,965)</b>	<b>46,391</b>	<b>0.84%</b>
<b>Net borrowing</b>	<b>(25,312)</b>	<b>(13,812)</b>	<b>(39,124)</b>	

Note: the figures in the table are from the balance sheet in the Authority's statement of accounts, but adjusted to exclude operational cash, accrued interest and other accounting adjustments

The increase in net borrowing in table 1 has translated into a fall in investment balances due to the Authority's internal borrowing policy.

*During 17/18 the Council invested £26m in long term strategy pooled investment funds. This has reduced the level of short term investments. The Council also purchase two properties for regeneration purposes which have been funded by internal borrowing in the short term, therefore reducing overall investment balances by £20m compared to 16/17.*

**Borrowing Activity**

At 31<sup>st</sup> March 2018, the Authority held £85.5m of loans, a decrease of £6.2m on the previous year. The year-end borrowing position and the year-on-year change in show in table 3 below.

**Table 3: Borrowing Position**

	<b>31.3.17 Balance £m</b>	<b>2017/18 Movement £m</b>	<b>31.3.18 Balance £m</b>	<b>31.3.18 Rate %</b>
Public Works Loan Board	84,668	(2,153)	82,515	3.35
Banks (LOBO)	3,000	0	3,000	4.75
Local authorities (short-term)	4,000	(4,000)	0	n/a
<b>Total borrowing</b>	<b>91,668</b>	<b>(6,153)</b>	<b>85,515</b>	<b>3.39</b>

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

In furtherance of these objectives, no new borrowing was undertaken in 2017/18. This strategy enabled the Authority to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk.

For the majority of the year the "cost of carry" analysis performed by the Authority's treasury management advisor Arlingclose did not indicate value in borrowing in advance for future years' planned expenditure and therefore none was taken.

The Authority continues to hold £3m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during 2017/18.

**Investment Activity**

The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During 2017/18, the Authority's investment balance ranged between £46.5 and £72.4 million due to timing differences between income and expenditure. The year-end investment position and the year-on-year change in show in table 4 below.

Table 4: Investment Position (Treasury Investments)

	31.3.17 Balance £m	2017/18 Movement £m	31.3.18 Balance £m	31.3.18 Rate %
Banks & building societies	51,919	(51,536)	383	0.12
Government (incl. local authorities)	4,910	(12,500)	17,410	0.77
Money Market Funds	9,527	(6,493)	3,034	0.31
Other Pooled Funds	0	25,564	25,564	4.50
<b>Total investments</b>	<b>66,356</b>	<b>(19,965)</b>	<b>46,391</b>	

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

In furtherance of these objectives, and given the increasing risk and low returns from short-term unsecured bank investments, the Authority further diversified into more secure and/or higher yielding asset classes during 2017/18. £26m that is available for longer-term investment was moved from bank and building society deposits into pooled investment funds. As a result, investment risk was lowered, while the average rate of return has increased. The progression of credit risk and return metrics for the Authority's investments managed in-house are shown in the extracts from Arlingclose's quarterly investment benchmarking in table 5 below.

Table 5: Investment Benchmarking

	Credit Score	Credit Rating	Bail-in Exposure	WAM* (days)	Rate of Return
31.03.2017	4.30	AA-	60%	47	0.61%
30.06.2017	4.26	AA-	65%	72	0.37%
30.09.2017	4.61	A+	63%	71	0.15%
31.12.2017	4.73	A+	75%	55	0.87%
31.03.2018	3.63	AA-	15%	40	(0.23)%
<b>Similar LAs</b>	<b>4.22</b>	<b>AA-</b>	<b>53%</b>	<b>99</b>	<b>1.32%</b>
<b>All LAs</b>	<b>4.24</b>	<b>AA-</b>	<b>55%</b>	<b>58</b>	<b>1.08%</b>

\*Weighted average maturity

The £26m portfolio of externally managed pooled funds generated an average total return (0.23)%, comprising a 2.93% income return used to support services in year, and (3.94)% of capital loss (which is unrealised, and does not impact the Council's budgets at this time). It was expected that there would be a capital loss in the first year of investment in these funds largely due to the entrance fees of investing in the property fund. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives is regularly reviewed. In light of their strong income generation

performance and the Authority's latest cash flow forecasts, investment in these funds is being maintained for the 2018/19 financial year.

### **Financial Implications**

The outturn for debt interest paid in 2017/18 was £2.9 million on an average debt portfolio of £85.5 million compared to a budgeted £2.9 million on an average debt portfolio of £85.5 million at an average interest rate of 3.39%.

The outturn for investment income received in 2017/18 was £525k on an average investment portfolio of £60 million compared to a budgeted £305k on an average investment portfolio of £61 million at an average interest rate of 0.5%.

### **Other Non-Treasury Holdings and Activity**

Although not classed as treasury management activities, the 2017 CIPFA Code now requires the Authority to report on investments for policy reasons outside of normal treasury management. This includes service investments for operational and/or regeneration as well as commercial investments which are made mainly for financial reasons. The Authority now holds £21m of investments in directly owned property.

These property investments generated £568k of investment income for the Authority after taking account of direct costs and transfers to reserves (to allow for potential future costs), representing a rate of return of 2.61%. This rate of return represents the part year nature of the investments and that no borrowing was undertaken in the year as the purchases were funded from internal borrowing.

### **Performance Report**

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual For Year £000	Budget £000	Over/ under	Forecast %	Benchmark* %	Over/ under
Interest Received	525	305	220	0.84	0.59	0.25
Interest Payable	2,953	2,953	0	3.39	3.39	0

### **Compliance Report**

The Director of Finance is pleased to report that all treasury management activities undertaken during 2017/18 complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 7 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.



Table 7: Debt Limits

	2017/18 Maximum £m	31.3.18 Actual £m	2017/18 Operational Boundary £m	2017/18 Authorised Limit £m	Complied
Borrowing	91.8	85.5	333	338.5	✓

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Table 8: Investment Limits

	31.3.18 Actual	2017/18 Limit	Complied
Any single organisation, except the UK Central Government	£15.5m	£8m per bank	✓
Any group of pooled funds under the same management	0	£16m per group	✓
Negotiable instruments held in a broker's nominee account	0	£15m	✓
UK Central Government	£1.9m	Unlimited	✓
Pooled Investment Funds	£26m	£10m per fund	✓
Unsecured investments with Building Societies	0	£8m	✓
Operating Bank	0	£20m	✓
Money Market Funds	£3.1m	£10m per fund	✓

### Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

**Security:** The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.3.18 Actual	2017/18 Target	Complied
Portfolio average credit score	3.63	6.0	✓

**Liquidity:** The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing excluding deposits due back < 3 months.

	31.3.18 Actual	2017/18 Target	Complied
Total cash available within 3 months	3.1m	8m	✓

**Interest Rate Exposures:** This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on fixed and variable rate interest rate exposures, expressed as the amount of net principal borrowed was:

	31.3.18 Actual	2017/18 Limit	Complied
Upper limit on fixed interest rate exposure	£85.5m	£300m	✓
Upper limit on variable interest rate exposure	0	£90m	✓

Fixed rate investments and borrowings are those where the rate of interest is fixed for at least 12 months, measured from the start of the financial year or the transaction date if later. All other instruments are classed as variable rate.

**Maturity Structure of Borrowing:** This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing were:

	31.3.18 Actual	Upper Limit	Lower Limit	Complied
Under 12 months	£2.2m	25%	0%	✓
12 months and within 24 months	£3.5m	50%	0%	✓
24 months and within 5 years	£7.5m	50%	0%	✓
5 years and within 10 years	£15m	100%	0%	✓
10 years and above	£57.3m	100%	0%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

**Principal Sums Invested for Periods Longer than 364 days:** The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2017/18	2018/19	2019/20
Actual principal invested beyond year end	0	0	0
Limit on principal invested beyond year end	£30m	£30m	£30m
Complied	✓	✓	✓

**In-house as at 31/03/18**

**APPENDIX 2**

Organisation	Type of investment	Current rating	Issue Date	Maturity date	Market yield %	Book cost	Government Sovereign Debt rating	Options available
<b>Held in Custody at Kings and Shaxon</b>								
United Kingdom	Gilt		24/05/2013	22/07/2018	1.25%	950,000		
United Kingdom	Gilt		11/06/2013	22/07/2018	1.25%	960,000		
						<b>1,910,000</b>		

**In-house Investments - Portfolio:**

							<i>Duration</i>	
Birmingham City Council	Fixed term deposit		28/04/2017	27/04/2018	0.700	7,500,000	UK - Gov 'AA'	364 days
Mid Suffolk District Council	Fixed term deposit		15/03/2018	15/05/2018	0.820	3,000,000	UK - Gov 'AA'	61 days
Suffolk County Council	Fixed term deposit		27/03/2018	27/04/2018	0.800	5,000,000	UK - Gov 'AA'	31 days

**In-house investments - Long Term**

CCLA Property investment Fund			30/06/2017		4.36%	3,000,000	UK - Gov 'AA'	5 Years +
CCLA Property investment Fund			31/07/2017		4.37%	3,000,000	UK - Gov 'AA'	5 Years +
Investec Multi Asset Fund			15/12/2017		4.57%	6,000,000	UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund			15/12/2017		4.42%	6,000,000	UK - Gov 'AA'	5 Years +
Payden and Rygel			28/02/2018		0.850	8,000,000	UK - Gov 'AA'	2 Years +

**41,500,000**

**Total Portfolio**

**43,410,000**

**Cashflow:**

**Call Accounts/MMF (as at 31/3/18)**

		Rate
Global Treasury Fund (Goldman Sachs Money Market Fund)	500,106	0.29%
Standard Life Investments (Money Market Fund)	2,534,000	0.33%
Natwest SIBA	972	0.15%
Natwest SIBA - SEEDA (DTIZ)	0	0.01%
Natwest SIBA - EP (HCA)	0	0.01%
Natwest SIBA - ASDA	0	0.01%
Santander	740	0.05%
Bank of Scotland	4,704	0.40%
HSBC Business Acc	0	0.00%
Barclays	34,155	0.00%

**Total Cash flow**

**3,074,677**

**Total Portfolio and Cashflow**

**46,484,677**

Interest Type	Date Loan Taken Out	Date Loan Matures	Repayment Dates	Loan Number	Principal Balance 01-Apr-17	Interest Rate %	Principal To Be Repaid 2017/18	Principal Balance 31-Mar-18	Annual Interest 2017/18	Lender	Type of loan
Fixed	02/10/1997	02/10/2057	APR-OCT	479961	1,000,000	6.75		1,000,000	67,500	PWLB	Principal due on Maturity
Fixed	28/05/1997	28/05/2057	MAY-NOV	479542	2,000,000	7.38		2,000,000	147,500	PWLB	Principal due on Maturity
Fixed	23/08/1946	23/06/2026	JUNE-DEC	131582	424	2.50	45	379	11	PWLB	Equal Instalment of Principal (EIP)
Fixed	27/09/1946	27/06/2026	JUNE-DEC	131583	79	2.50	8	71	2	PWLB	Equal Instalment of Principal (EIP)
Fixed	16/11/2001	30/09/2026	SEPT-MAR	486237	1,000,000	4.75		1,000,000	47,500	PWLB	Principal due on Maturity
Variable	16/12/2002	16/12/2042	JUNE-DEC	N/A	3,000,000	4.75		3,000,000	142,500	KA Finanz AG Bank	Repayable if called by Bank
Fixed	26/03/2012	26/03/2042	SEPT-MAR	499853	80,667,894	3.18	2,153,554	78,514,340	2,548,253	PWLB	Annuity
Fixed	22/03/2017	21/04/2017	APR	N/A	4,000,000	0.40	4,000,000	0	921	South Holland D.C.	Short term loan only (cash flow)
					<b>91,668,397</b>		<b>6,153,607</b>	<b>85,514,790</b>	<b>2,954,186</b>		<i>Sub-total</i>
Fixed	01/05/2012	01/11/2027	MAY-NOV		87,096	0.00	8,710	78,386	0	Lawn Tennis Association	Interest free
					<b>91,755,493</b>		<b>6,162,317</b>	<b>85,593,177</b>	<b>2,954,186</b>		

In-house as at 30/06/18

Organisation	Type of investment	Current rating	Issue Date	Maturity date	Market yield %	Book cost	Government Sovereign Debt rating	Options available
<b>Held in Custody at Kings and Shaxon</b>								
United Kingdom	Gilt		24/05/2013	22/07/2018	1.250	950,000		
United Kingdom	Gilt		11/06/2013	22/07/2018	1.250	960,000		
						<b>1,910,000</b>		

In-house Investments - Portfolio:

							Duration
Birmingham City Council	Fixed term deposit		27/04/2018	27/07/2018	0.700	7,500,000 UK - Gov 'AA'	364 days
Mid Suffolk District Council	Fixed term deposit		15/05/2018	15/08/2018	0.550	3,000,000 UK - Gov 'AA'	61 days

In-house investments - Long Term

CCLA Property investment Fund			30/06/2017		4.360	3,000,000 UK - Gov 'AA'	5 Years +
CCLA Property investment Fund			31/07/2017		4.370	3,000,000 UK - Gov 'AA'	5 Years +
Investec Multi Asset Fund			15/12/2017		4.570	6,000,000 UK - Gov 'AA'	5 Years +
Columbia Threadneedle Strategic Bond Fund			15/12/2017		4.420	6,000,000 UK - Gov 'AA'	5 Years +
Payden and Rygel			28/02/2018		0.850	8,000,000 UK - Gov 'AA'	2 Years +

**36,500,000****Total Portfolio****38,410,000**Cashflow:**Call Accounts/MMF (as at 30/6/18)****Rate**

Global Treasury Fund (Goldman Sachs Money Market Fund)	3,497,106	0.47%
Standard Life Investments (Money Market Fund)	5,949,000	0.52%
Natwest SIBA	57,318	0.15%
Santander	502	0.05%
Bank of Scotland (BOS)	5,011	0.40%
HSBC Business Acc	0	0.00%
Barclays	34,150	0.00%

**Total Cash flow****9,543,086****Total Portfolio and Cashflow****47,953,086**

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<b>Subject:</b>	<b>STATEMENT OF COMMUNITY INVOLVEMENT</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor James Back, Portfolio Holder for Built Environment</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** Cabinet is requested to consider representations received during the consultation on the draft Statement of Community Involvement. A number of minor changes are proposed, in response to representations received.

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**Recommendation:**

- (i) To approve the proposed responses to the representations received, as shown in Appendix 1.
- (ii) To approve and adopt the Statement of Community Involvement attached at Appendix 2.

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## 1. Summary

1.1 The Council's Statement of Community Involvement (SCI) sets out how, when and where the Council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. Cabinet approved public consultation upon a draft Statement of Community Involvement on 14<sup>th</sup> May 2018, which was duly undertaken. Appendix 1 to this report provides details of the representations received and proposed responses. Appendix 2 comprises a final draft of the SCI incorporating amendments arising from the consultation.

## 2. Introduction and Background

2.1 The requirement to produce a SCI is under Section 18 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004). When a Development Plan Document is subjected to examination in public, the Inspector must be satisfied that it has been prepared in compliance with the Council's SCI and that the SCI itself meets with the requirements set out in the regulations.

2.2 The Neighbourhood Planning Act 2017<sup>1</sup> introduced a number of additional requirements for SCIs, the most significant of which was to set out the Council's policies for giving advice or assistance in relation to Neighbourhood Planning. A replacement SCI was drafted for consultation, which takes account of these changes by updating the existing SCI.

2.3 The public consultation on the draft SCI ran for six weeks from Thursday, 24<sup>th</sup> May until midnight on Thursday, 5<sup>th</sup> July 2018. The consultation was advertised in local newspapers and via social media and those signed up to 'Keep Me Posted'. In

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<sup>1</sup> Section 6 and Section 13 Neighbourhood Planning Act 2017 coming into force 31<sup>st</sup> July (The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018)

addition, a total of 144 consultees were invited to comment. This included the local plan consultation list, parish and town councils, neighbouring parish councils, local community groups and people who have registered their interest in planning consultations. The draft document was available from the Council's website, and paper copies were available at libraries within the District.

- 2.4 In response, the Council received 13 representations from various organisations and individuals. It should be noted that the representations received predominantly related to the existing SCI text and not the changes necessary as a result of the Neighbourhood Planning Act 2017. It is nonetheless clearly appropriate to consider all responses and whether they should be incorporated into the replacement SCI.
- 2.5 The Council's response to each representation received is set out in the analysis table at Appendix 1. Consideration should be given to all the representations in the analysis table, and to the minor amendments and clarifications that are proposed.
- 2.6 The main amendments comprise:
- a) Additional text encouraging applicants to discuss their proposals with statutory and non-statutory consultees at an early stage.
  - b) Changing the current minimum 4 week consultation period for Supplementary Planning Documents (SPD) to a standard 6 week period. This is agreed as it would bring consultations on SPDs in line with other Local Plan consultation events.
  - c) Additional clarity that infrastructure service providers such as Kent County Council are consulted with as part of the planning application process.
- 2.7 A final draft of the Statement of Community Involvement is attached at Appendix 2 incorporating all amendments, factual changes or clarifications identified during this updating process.

### 3. **Identification of Options**

- 3.1 Option one: To approve and adopt the final draft Statement of Community Involvement attached at Appendix 2, incorporating amendments that respond to representations received during the public consultation.
- 3.2 Option two: Not to approve the draft Statement of Community Involvement attached at Appendix one for consultation.

### 4. **Evaluation of Options**

- 4.1 Option one is preferable as this would allow the Council to adopt an up-to-date Statement of Community Involvement that accords with current guidance and legislation.
- 4.2 If option two is selected, the Council will not have an up-to-date Statement of Community Involvement. This would result in a risk of any future Development Plan Document being found 'unsound' by the Inspector during examination in public.

### 5. **Resource Implications**



5.1 There will be no direct financial implications because the report seeks to formalise the approach that is currently used to consult.

## 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 Planning Solicitor: 'The Solicitor to the Council has been consulted in the preparation of this report and has no further comments 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**

Appendix One – Consultation Analysis Table

Appendix Two – Proposed final draft of 'Statement of Community Involvement' (for adoption)

## 8. **Background Papers**

Statement of Community Involvement - Cabinet report dated 14th May 2017

Dover District Council Statement of Community Involvement - Adopted April 2016

Contact Officer: Richard Thompson ext 42431

## Appendix 1 - Consultation Analysis Table

ID	Organisation Details	Part of the document	Detailed comment here	Council's Response
1	Theatres Trust	p12, 1st paragraph	We would recommend adding reference to consulting with "appropriate statutory and non-statutory consultees" (suggested amendment set out below) for greater clarity and to emphasise the value and importance of doing so to minimise the risk of objection or amendment at a later stage. We strongly encourage applicants to discuss their proposals with the local community, APPROPRIATE STATUTORY AND NON-STATUTORY CONSULTEES, the relevant town or parish council and their ward councillor at an early stage. The greater the likely impact of a proposed development, the greater the need for community involvement.	Agreed - the wording of the first paragraph under "Preparing and Publicising Planning Applications" will be changed as suggested to include ' <b>appropriate statutory and non-statutory consultees</b> '.
2	Clerk Ash Parish Council	Page 11 Stage 2 para 3	"We will consult for at least 4 weeks" - while it indicates that this is the minimum, this is too short a time period for the level of detail that will be needed to be considered especially for the general public. The current timescale referred to on Page 7 The Development Plan Timeline is July 2019 for this consultation which possibly will cover the August summer holiday period. A longer minimum period of at least 6 weeks may give all more opportunity to be involved in this consultation.	Noted - the current minimum 4 week consultation period for Supplementary Planning Documents (SPD) reflects what is required by the regulations. There is however no objection to extending this to a 6 week consultation period. This would bring consultations on SPDs in line with other Local Plan consultation events. It would not be appropriate to extend beyond this 6 week period as this already represents an additional 2 weeks on the statutory requirement. The wording of the second paragraph under 'What we will do and who will we consult' will be changed as follows ' <b>We will consult for at least 6 weeks.....</b> ' The Draft Local Plan Consultation event of July 2019 referred to will be a minimum of 6 weeks.
3	Local Resident	Whole Document	No comments to make.	Noted

## Appendix 1 - Consultation Analysis Table

ID	Organisation Details	Part of the document	Detailed comment here	Council's Response
4	Head of Strategy and Planning NHS Ashford CCG and NHS Canterbury and Coastal CCG	Whole Document	NHS Ashford and Canterbury and Coastal are satisfied with the document as drafted.	Noted
5	Southern Water	Whole Document	Southern Water have reviewed this document and have no comments to make on this occasion.	Noted
6	Historic England	Whole Document	The consultation process detailed in the SCI should be adequate in meeting the requirements of the Local Development Regulations 2004 It will be important to ensure that stakeholder organisations with interests and responsibilities in the historic environment, at national and local levels, are fully involved throughout the consultation process. To this end, it is important to consult with both the Council's own conservation officer or team and local amenity societies.	Noted - The Heritage Team are consulted on relevant applications. The case officer will take a view as to whether it is appropriate to consult relevant societies on a case by case basis.
7	Area 4 Spatial Planning Team Highways England	Whole Document	Having assessed the modified document and taken in to account any other material considerations Highways England have no comments on the revised Statement.	Noted
8	Kent County Council (Environment, Planning & Enforcement)	Page 3	KCC recommends a hyperlink is included within the document to allow for easy access to the Dover District Compact	Agreed - the following link to be provided within first asterix <a href="https://www.dover.gov.uk/Community/Getting-Involved-In-Your-Community/Compact/Dover-District-Compact.aspx">https://www.dover.gov.uk/Community/Getting-Involved-In-Your-Community/Compact/Dover-District-Compact.aspx</a>
9	Kent County Council (Environment, Planning & Enforcement)	Page 5	KCC recommends the following amendment for clarity: "The Council also has a legal duty to consult residents and businesses when appropriate. In addition, legislation* sets out who must be consulted at set stages of the document preparation."	Noted – word “prescribed” changed to “set” so that the sentence now reads “ <b>legislation*sets out who must be consulted at prescribed stages of the document preparation.</b> ”

## Appendix 1 - Consultation Analysis Table

ID	Organisation Details	Part of the document	Detailed comment here	Council's Response
10	Kent County Council (Environment, Planning & Enforcement)	Page 13	The SCI could be strengthened by providing further information about how Dover District Council (DDC) will work with service providers, including KCC, to determine the impact of development.	Noted - Dover District Council recognises the importance of dialogue with all infrastructure service providers including Kent County Council. In addition to statutory consultation requirements, the case officer will take a view as to whether it is appropriate to consult relevant societies on a case by case basis. The current text is purposely open ended to allow for this flexibility. However, additional clarity can be provided by changing 'consult statutory and non-statutory consultees' to <b>Consult statutory consultees, non-statutory consultees and infrastructure service providers as appropriate</b> within the 'What we will do' column.
11	Kent County Council (Environment, Planning & Enforcement)	Page 5	KCC, as Lead Local Flood Authority, requests to be listed as a statutory consultee to ensure sustainable development is delivered given the prevalence of flood risk and surface water management.	Noted - Kent County Council are already listed as a Statutory Consultee. It is not however considered necessary to individually list each of KCC's statutory functions for which we seek plan making input.
12	Kent County Council (Environment, Planning & Enforcement)	Whole Document	KCC considers that the document covers all relevant aspects relevant to a SCI and that it is written and laid out in a clear and accessible style.	Noted
13	Natural England	Whole Document	Natural England are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.	Noted



# HOW TO BECOME INVOLVED IN THE PLANNING PROCESS

STATEMENT OF COMMUNITY INVOLVEMENT  
2018





# HOW TO BECOME INVOLVED IN THE PLANNING PROCESS

## STATEMENT OF COMMUNITY INVOLVEMENT

### CONTENTS

1. Introduction
2. General principles for community involvement
3. Community involvement in Plan Making
4. Who we will involve in Plan Making
5. How we will involve the community in Plan Making
6. Planning Applications
7. Is it working?
8. Glossary

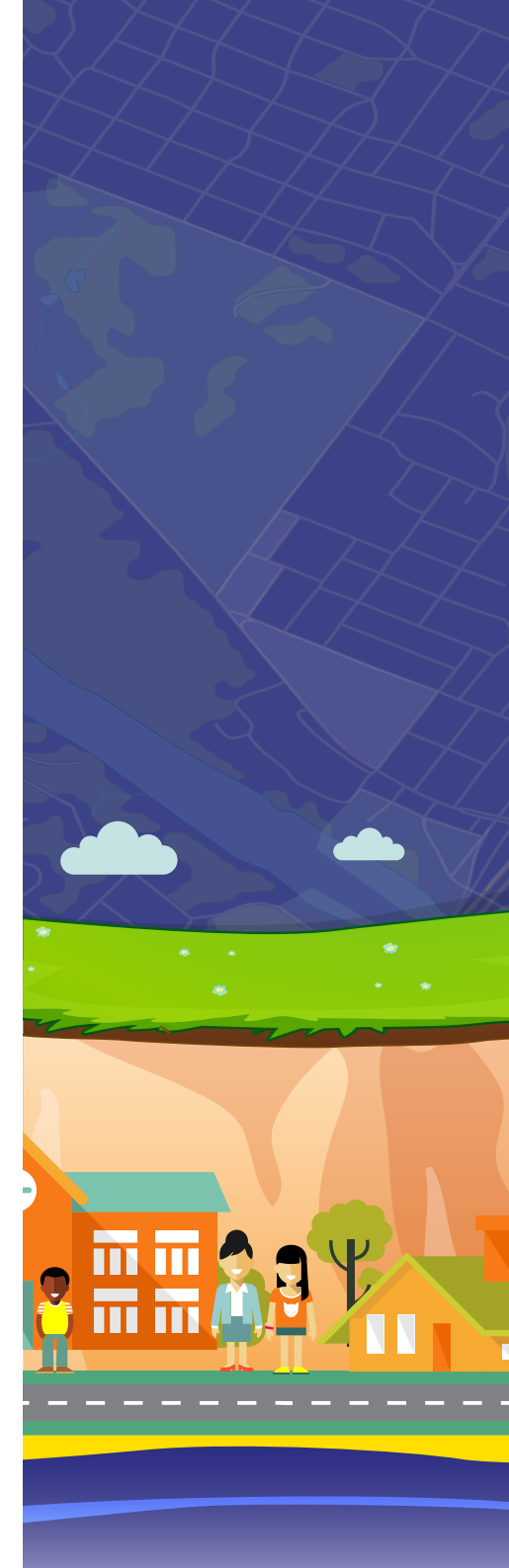
### INTRODUCTION

Everyone who lives, works, runs businesses and studies in a place is affected by the planning system. The Council is committed to involving local communities and other stakeholders in plan-making, so they can help shape the environment in our district.

This document explains how to become involved in decisions about plan-making and planning applications. It updates our previous Statement of Community Involvement, which was adopted in 2016.

**For information about Local Development Documents, and to register for email alerts of consultations, contact Regeneration Delivery:**  
**regenerationdelivery@dover.gov.uk**  
**01304 872477**  
**Or visit the Council offices.**

**For information about planning applications contact Development Management:**  
**developmentcontrol@dover.gov.uk**  
**01304 821199 Or visit the Council offices**



## GENERAL PRINCIPLES FOR COMMUNITY INVOLVEMENT

By '**involvement**' we mean any interaction between our planning team and the community, which can occur on a number of different levels:

**Participation** – active involvement in identifying needs and priorities, such as workshops.

**Consultation** – consulting you on your views, such as through on-line consultation processes and surveys.

**Information** – providing data, such as advertisements in newspapers and publishing reports.

We will apply the following general principles to community involvement in planning. These are very similar to consultation commitments set out within The Dover District Compact\* Other organisations that involve the community in planning processes could also use these principles. For example, town and parish councils consult when producing Neighbourhood Plans and developers provide a statement of community involvement with major planning applications.

*\*The Compact established an approach for the way public sector organisations and voluntary or community organisations could work together to benefit the community in the Dover District. <https://www.dover.gov.uk/Community/Getting-Involved-In-Your-Community/Compact/Dover-District-Compact.aspx>*

*\*\* <http://www.dover.gov.uk/Corporate-Information/Equality-and-Access-to-Services.aspx>*

*\*\*\*Details of the Council's Data Protection Policy and its approach to Freedom of Information can be inspected at [www.dover.gov.uk](http://www.dover.gov.uk)*

## We will:

- Seek views as early as possible
- Ensure involvement is open to all
- Take into account our duties under the Equality Act 2010\*\*
- Choose consultation processes that are proportionate in type and scale to the potential impacts of the proposed plan
- Target consultation to include people whom we consider would be most affected by the particular proposals or plans, and where possible we will include known interest groups
- Provide sufficient information for people to comment effectively
- Create concise consultation documents, without understating the complexities of any issues or decisions
- Avoid unnecessary jargon
- State clearly how to respond and by when
- Aim to make all representations publicly available
- Tell people who participate in the consultation how to access the results
- Ensure that information received through consultation processes complies with all Data Protection legislation and Freedom of Information requirements\*\*\*

## COMMUNITY INVOLVEMENT IN PLAN MAKING

A wide range of locally prepared planning documents are considered when planning decisions are made. Opportunities for community involvement in preparing these documents vary, depending on their status and purpose. Levels of community involvement in the main types of document are as follows;

Type of Document	Produced by	Purpose	Level of Community Involvement	
THE DEVELOPMENT PLAN	The Local Plan	Dover District Council	A suite of planning documents that sets out a vision and framework for the future development of a district over 20 year period	Participation, Information and Consultation
	Kent Minerals and Waste Local plan	Kent County Council		Participation, Information and Consultation
	Supplementary Planning Documents	Dover District Council		Participation, Information and Consultation
	Neighbourhood Plans	Town and Parish Councils		Participation, Information and Consultation
Strategies and other supporting documents	Dover District Council	Set out objectives and implementation scheme to achieve planning objectives	Participation (usually), Information and Consultation	
Statement of Community Involvement	Dover District Council	Defines the Council's approach to consultation	Information and Consultation	
Community Infrastructure Levy	Dover District Council	Sets a charge on new development to help fund infrastructure	Information and Consultation	
Local Development Scheme	Dover District Council	Programme for preparing new development plan documents	Information	
Authority Monitoring Report	Dover District Council	Reports progress on implementing the adopted Local Plan	Information	

## SUSTAINABILITY APPRAISAL

*Local Plans and some Supplementary Planning Documents are subject to Sustainability Appraisal during their development. SAs are subject to consultation.*



## WHO WE WILL INVOLVE IN PLAN MAKING

The National Planning Policy Framework emphasises the need to involve all sections of the community in plan-making. The Council also has a legal duty to consult residents and businesses when appropriate. In addition, legislation\* sets out who must be consulted at **set** stages of the document preparation.

Many individuals and organisations contribute to the preparation of planning documents. Evidence base documents necessary for plan making are developed with engagement from a range of stakeholders and communities with local knowledge, views, and expertise.

The appropriate level of engagement will continue to be assessed on a case by case basis determined by the nature and requirements of the particular evidence base study.

For clarity the Council has divided consultees into four groups. This may alter over time due to changes in legislation or re-organisations of public bodies, so the lists are reviewed regularly.

### STATUTORY CONSULTEES – SPECIFIC BODIES

- Local planning authorities that adjoin the District
- Kent County Council
- Parish Councils within and adjoining the District
- A local policing body
- The Coal Authority
- Environment Agency
- Historic England
- Natural England
- The Marine Management Organisation
- The Port Authority
- Network Rail Infrastructure Limited
- Highways England
- Mobile Phone Operators Association

- Mobile Phone Operators with apparatus situated in any part of the District
- Primary Care Trust
- Utilities and service providers; and
- Homes England.

*\*Town and Country Planning (Local Planning) (England) Regulations 2012)*

### STATUTORY CONSULTEES – GENERAL BODIES

- Voluntary bodies, some or all of whose activities benefits any part of the area
- Bodies which represent the interest of:
  - Different ethnic or national groups in the area
  - Different religious groups in the area
  - Disabled people in the area; and
  - Persons carrying on businesses in the area

### OTHER CONSULTATION BODIES AND ORGANISATIONS

- Environmental groups
- Groups representing users, and the providers, of leisure, sport and recreation
- Health, education, social service and community based service providers
- Civic societies, cultural, historical and archaeological groups or bodies
- Citizens' / district / tenants panels
- Associations of local residents and communities
- Registered social landlords
- House builders and developers
- Landowners and land agents
- Public transport users and providers
- Groups representing retired and elderly persons
- Groups representing young people and
- The local strategic partnership.

## THE WIDER COMMUNITY

Members of the public who would like to be notified about planning consultations and the progress of documents can add their details to the Council's database of consultees. These people are alerted by email when opportunities arise to make representations on proposed planning documents. The list is not fixed and anyone can ask for their details to be added by emailing [regenerationdelivery@dover.gov.uk](mailto:regenerationdelivery@dover.gov.uk) or telephoning 01304 872477. Others who no longer wish to be involved will be removed from the list on request.

Members of the public can also be kept informed of any plan making updates, including new consultation events, by subscribing to Planning Policy updates through Keep Me Posted.



## DUTY TO CO-OPERATE

Dover District Council is required to work with neighbouring authorities and other public bodies involved in planning when it comes to tackling issues at a larger than local scale\*. The bodies that we are bound to work together with by the duty include:

- Local planning authorities
- Kent County Council
- The Kent Local Enterprise Partnership
- The Environment Agency
- Historic England
- Highways England
- Natural England
- The Office of Rail Regulation
- The Primary Care Trusts
- The Civil Aviation Authority
- The Port Authority
- Homes England and
- In addition, the National Planning Policy Framework requires local planning authorities to work collaboratively with Local Nature Partnerships.

*\*Section 110 of the Localism Act 2011 and guidance in the National Planning Policy Framework*



# HOW WE WILL INVOLVE THE COMMUNITY IN PLAN MAKING

## THE DEVELOPMENT PLAN

## THE DEVELOPMENT PLAN TIMELINE\*

### Prepare the Local Plan Evidence Base

Current Timescale: Ongoing now

### Publish Draft Local Plan Consultation

(Regulation 18)

This stage will allow stakeholders the opportunity to comment on draft Strategic Policies and Allocations, Local Policies and Development Management Policies.

Current Timescale: July 2019

### Publish Submission Local Plan Draft for Public Consultation

(Regulation 19)

After considering stakeholder comments we will publish a final draft document for consultaion. Comments made at this stage will be considered at the Examination.

Current Timescale: February 2020

### Submit Local Plan for Examination

Current Timescale: August 2020

### Examination in Public

Current Timescale: November 2020

### Adoption of Local Plan

Once it is confirmed the plan is sound, Cabinet recommends to full Council to formally adopt the Local Plan

Current Timescale: February 2021

\* Note that this timescale is correct as May 2018. This is however updated on a regular basis within the Local Development Scheme available on the Council's website at <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/New-District-Local-Plan/Local-Development-Scheme.aspx>

## THE DEVELOPMENT PLAN

### STAGE 1 - PREPARE DEVELOPMENT PLAN

At the initial stages of producing a plan it is important that the community has an opportunity to identify local issues, influence the options for future development and examine the evidence.

#### WHAT WILL WE DO

- As a minimum, we will ensure that we comply with the relevant current planning regulations
- Consult more widely where it is relevant and appropriate to do so
- Advertise any consultation and make it clear where material can be viewed by the community
- When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published
- Maintain and add people to our planning database of consultees at any time, having regard to Data Protection Requirements
- Comments received at this stage will be acknowledged and taken into account, together with any available technical evidence as well as national policies and guidance.

#### WHO WILL WE CONSULT

- We will notify specific consultation bodies that may have an interest in the document.

#### HOW WILL WE CONSULT

- We will engage with general consultation bodies, and other consultation bodies as appropriate
- We will consult with the wider community at least once during this stage in the production of the document
- We will publish consultation documents on-line and the preferred route for comments is via the website, because this helps make the process as efficient as possible
- We will make all the comments received publicly available

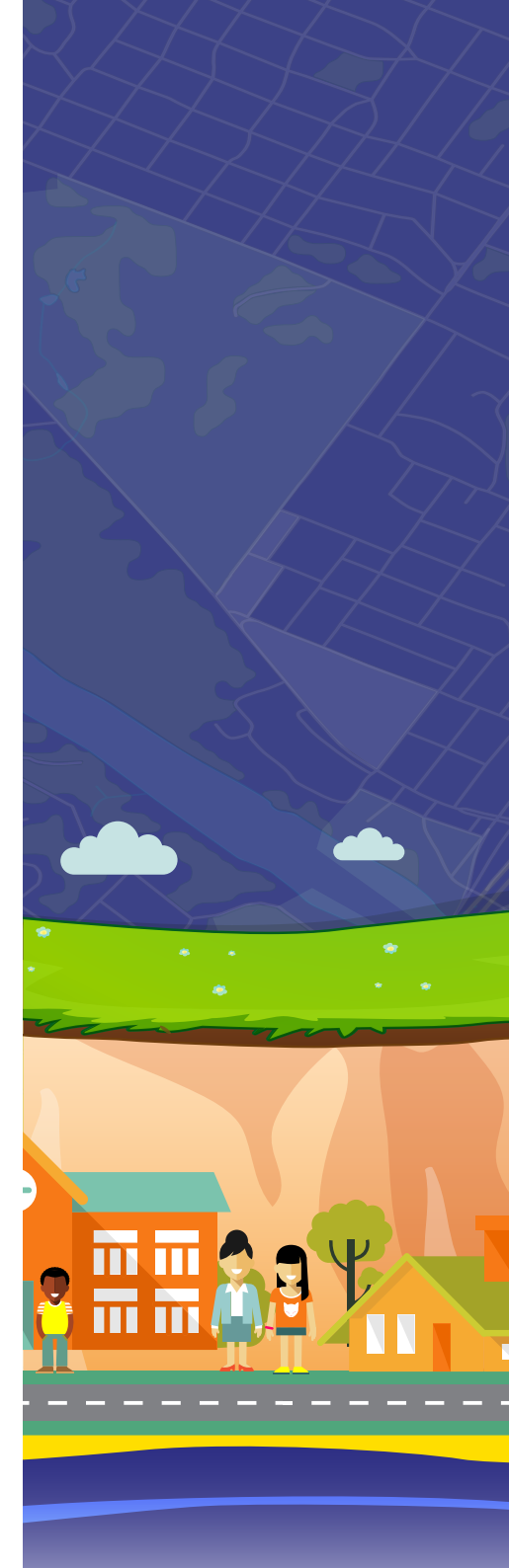
- The council will also consider using one or more of the following methods:
  - Correspondence through letters or email
  - Workshops or focus groups
  - Presentations at community events
  - Joint consultations
  - Drop-in events, displays or exhibitions
  - Meetings (one to one or group)
  - Make plans available on our website and at public inspection points
  - Targeted measures for hard to reach groups.

### STAGE 2 - PUBLISH PROPOSED SUBMISSION

The council will prepare and consult on the final draft of the plan before it is submitted to the Secretary of State for examination. Representations submitted at this stage are forwarded to the Planning Inspector.

#### WHAT WILL WE DO

- As a minimum, the council will comply with the relevant planning regulations
- We will consult on the plan for at least six weeks
- The submission documents and other relevant documents must be available for inspection on the website and at the council's office and other public inspection points
- When possible, summary documents, maps and diagrams explaining the key issues and proposals will be published
- We will notify consultees
- The council will publicise where and when the documents may be inspected
- Make printed copies of the plan available at a reasonable charge if requested
- Where appropriate, the council will make changes to the document before it is submitted to the Secretary of State
- All representations received at this stage will be forwarded to the Secretary of State.



## WHO WILL WE CONSULT

- We will notify those specific, general and other Consultation bodies that were invited to make representations at an earlier stage
- The wider community (as appropriate to the document) will also be consulted.

## HOW WILL WE CONSULT

- We will contact everyone on our planning consultation database by letter or email and where appropriate we will use targeted measures for hard to reach groups
- To explain the preferred plan we will consider using one or more of the following methods: events, displays, exhibitions or meetings.

## STAGE 3 - EXAMINATION

The council is required to submit the plan and supporting information for public examination. The Inspector in charge of the examination will take into account written comments on the plan and, if invited by the Inspector, people can also appear at the examination to speak in support of, or against, the plan. The Inspector will consider whether the Development Plan Document has complied with the requirements of this Statement of Community Involvement.

## WHAT WILL WE DO

- We will comply with all the relevant planning regulations for the submission and examination of the plan
- We will ensure that all the relevant submission documents are available for inspection on our website and at the council's office and other inspection points
- We will publish full details of the submission
- We will appoint a Programme Officer to assist the Inspector with the examination
- The Programme Officer will publish full details of the examination of the plan on the website.

## WHO WILL WE NOTIFY

- We will notify all those specific, general consultation bodies, and other bodies who have previously been invited to make representations on the plan, about the submission of the plan to the Secretary of State
- We will also notify anyone else who requested to be notified of the submission of the plan to the Secretary of State
- The Programme Officer will notify all those who commented on the plan at stage 2 with details of the examination.

## HOW WILL WE NOTIFY

- Consultees will be informed by email or letter.

## STAGE 4 - ADOPT

Following the Examination, the Inspector will produce a report. The council will consider the Inspector's report, make changes to the plan where appropriate and adopt the final plan.

## WHAT WILL WE DO

- We will publish the Inspector's report and notify anyone who requested to be notified
- We will make the adopted document, a sustainability appraisal report, relevant information and adoption statement available for inspection at the council's main office and on the website.

## WHO WILL WE NOTIFY

- We will send the adoption statement to the Secretary of State and any person who asked to be notified.

Kent County Council is responsible for the **Minerals and Waste Local Plan**. Anyone who wishes to participate in the preparation of this document can register on the Kent County Council consultee list.

## NEIGHBOURHOOD PLANS AND DEVELOPMENT ORDERS

Neighbourhood Plans allow communities to establish general planning policies for the development of land in the area.

Neighbourhood Development Orders and Community Right to Build Orders can grant planning permission for specific types of development in a specific Neighbourhood Area.

Neighbourhood Planning is led by town and parish councils within Dover District. They are able to initiate the process, set the scope of, and prescribe the level of community involvement regarding the plan or order.

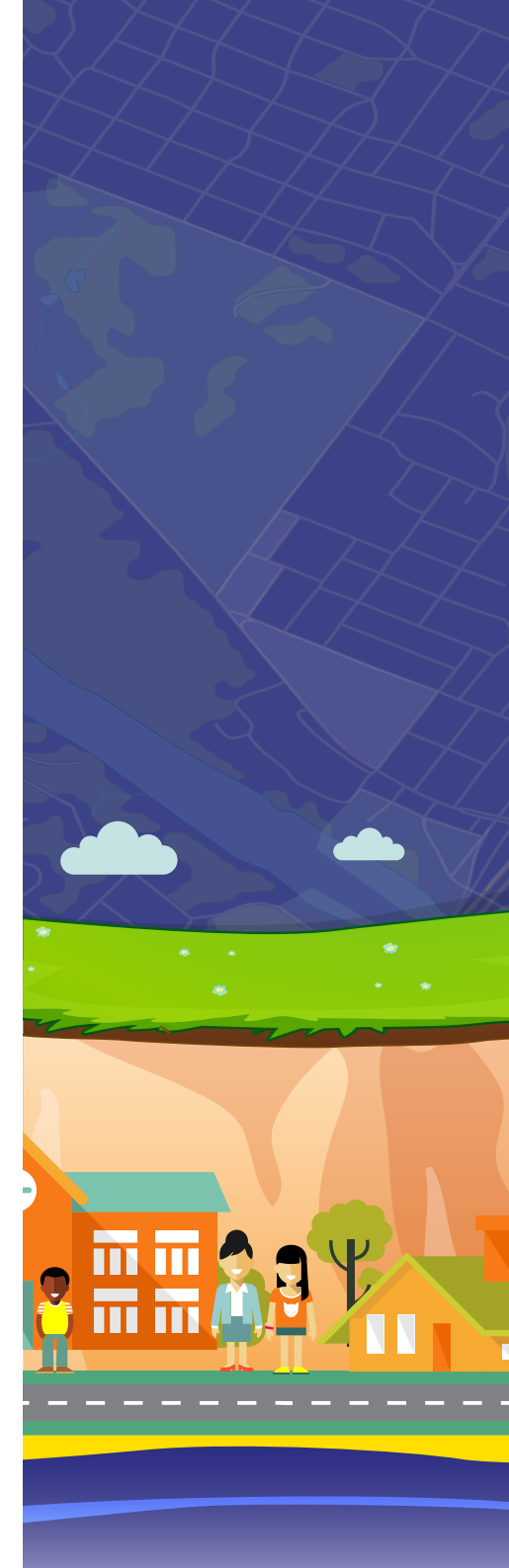
Neighbourhood Plans and Orders must be prepared in accordance with relevant legislation<sup>1</sup>. Once adopted, a Neighbourhood Plan forms part of the Development Plan.

### WHAT WILL WE DO

The Council will meet all statutory requirements and will give advice and assistance to communities wishing to make a Neighbourhood Plan or Order by undertaking the following actions:

<sup>1</sup>The Neighbourhood Planning (General) Regulations 2012, Neighbourhood Planning (General) (Amendment) Regulations 2015 and Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

- Meet the relevant body as soon as possible;
- Explain the different stages involved with a Neighbourhood Plan or Order;
- Direct the relevant body towards information relevant to the Neighbourhood Plan or Order;
- Where possible, share any data already held which may inform the evidence base (such as mapping information);
- Highlight potential issues around compliance with the Local Plan and national policy;
- Support the relevant body as they undertake any necessary Environmental or Habitat assessments;
- Provide feedback in the form of written comments on draft Neighbourhood Plans or Orders;
- When a Plan or Order is submitted, assess the documents compliance with statutory requirements;
- Consult on the council's website and consultation portal with details of how to make representations for a minimum 6 week period;
- Assist with the appointment of the Neighbourhood Plan Examiner;
- Make arrangements for the referendum and (if approved) for bringing into force the plan.



## THE STATEMENT OF COMMUNITY INVOLVEMENT

is prepared in the same way as Supplementary planning documents.

## COMMUNITY INFRASTRUCTURE LEVY

Specific consultation requirements are set out in the Community Infrastructure Levy Regulations (2010, and amendments), and the Council will meet those requirements when it introduces the Levy in the Dover District.

## SUPPLEMENTARY PLANNING DOCUMENTS

### STAGE 1 – PREPARE SUPPLEMENTARY PLANNING DOCUMENT

Evidence and ideas are gathered, and alternative approaches are considered.

#### WHAT WILL WE DO AND WHO WILL WE CONSULT

- We will consult with those individuals and bodies who are relevant to the successful implementation of the SPD
- We may consult more widely if it is considered relevant and appropriate to do so.

#### HOW WILL WE CONSULT

- This will depend on the type of SPD. The council will consider using one or more of the following methods:
  - Correspondence by letter or email
  - Workshops or focus groups
  - Meetings
  - Drop in events.

### STAGE 2 – PUBLISH DRAFT SUPPLEMENTARY PLANNING DOCUMENT

The council is required to consult on the SPD. Publishing a draft provides opportunity to get comments on the document before it is finalised.

#### WHAT WILL WE DO AND WHO WILL WE CONSULT

- As a minimum, the council will comply with the relevant planning regulations
- We will consult for at least 6 weeks and make copies of the draft SPD available for inspection on the website and at the council's main office and other locations as appropriate to the type of SPD

- We will consult the specific, general and other bodies who are relevant to the topic of the SPD being prepared
- We will consult residents or persons carrying on business in the area where it is appropriate to
- We will make all the comments received publicly available
- We will consider all representations received.

#### HOW WILL WE CONSULT

- This will depend on the type of SPD. Here the council will consider using one or more of the following methods:
  - Making documents available on the council's website and at inspection points
  - Workshops or drop in events
  - Correspondence through letters or emails
  - Leaflets/Newsletters
  - Targeted measures for hard to reach groups relevant to the topic of the SPD.

### STAGE 3 – ADOPT

Once the council has taken into account comments and made any changes to the document, it will be adopted by the council's Cabinet. An independent examination is not required.

#### WHAT WILL WE DO

- We will prepare a consultation statement
- We will adopt the SPD
- We will publish the SPD, consultation statement and an adoption statement on the website
- These documents will also be available for inspection at the council offices and other locations as appropriate to the type of SPD.

#### WHO WILL WE NOTIFY

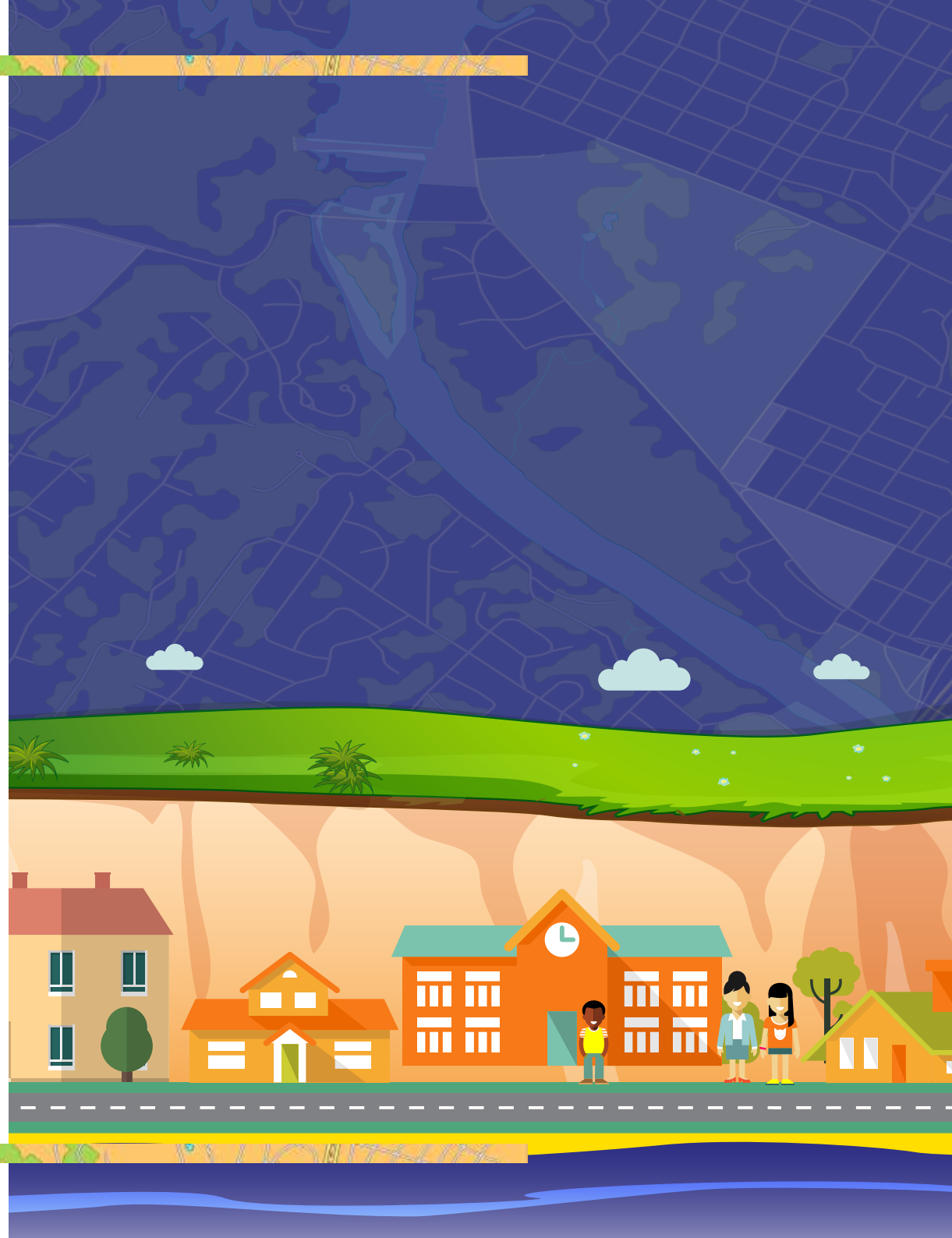
- We will send a copy of the adoption statement to any person who has asked to be notified of the adoption.

# PLANNING APPLICATIONS

## PREPARING AND PUBLICISING PLANNING APPLICATIONS

We strongly encourage applicants to discuss their proposals with the local community, appropriate statutory and non-statutory consultees and their parish council at an early stage.

When planning applications are received by the Council we first check to ensure that all the necessary information has been provided, as set out in the document 'Dover Validation Requirements'. Larger and more complex applications tend to require more supporting data.







TYPE OF DEVELOPMENT	WHAT APPLICANTS NEED TO DO	WHAT WE WILL DO
<p><b>MAJOR</b></p> <p>Residential development of 10 or more dwellings (or if no number is given a site of more than 0.5 ha)</p> <p>Non-residential development with floor space of 1,000 sq m.(or a site of more than 1 ha directly involved in development)</p>	<p>Choose appropriate methods to involve the community, e.g. public meetings /exhibitions, workshops, consultation website</p> <p>Provide a statement with the application, describing how the community was involved with the application and how the application has been amended to take into account the comments raised.</p> <p>Consider local planning documents and national guidance</p> <p>Consider seeking pre-application advice from the Council and appropriate statutory and non-statutory consultees</p>	<p>Provide pre-application advice on request (we charge for this service)</p> <p>Include the application in our weekly list of valid applications</p> <p>Publish the application documents on our website</p> <p>Post site notices on, or near the proposed development site</p> <p>Advertise in the local press</p> <p>Consult statutory consultees, non-statutory consultees and infrastructure service providers as appropriate.</p>
<p><b>MINOR</b></p> <p>Smaller in scale than major development and outside the definition for Change of use or Householder</p>	<p>May need to consider methods of community involvement appropriate to the nature, scale and location of the proposed development</p> <p>May need to provide a statement describing the actions taken to involve the community with the application</p> <p>Consider local planning documents and national guidance</p> <p>Consider seeking pre-application advice from the Council and appropriate statutory and non-statutory consultees</p>	<p>Provide pre-application advice on request (we charge for this service)</p> <p>Include the application in our weekly list of valid applications</p> <p>Publish application details on our website</p> <p>Post site notices on or near the development site</p> <p>Advertise in the local press if the application</p> <ul style="list-style-type: none"> <li>• is for a listed building</li> <li>• is in a conservation area</li> <li>• is near or affects a public right of way</li> <li>• is accompanied by an Environmental Impact Assessment</li> <li>• departs from the development plan</li> <li>• affects the setting of a listed building/ conservation area</li> </ul> <p>Consult statutory consultees, non-statutory consultees and infrastructure service providers as appropriate.</p>
<p><b>OTHER</b></p> <p>Includes the categories of: <b>Change of Use;</b> which does not involve building or engineering work</p> <p><b>Householder;</b> within the curtilage of a dwelling that requires permission and is not change of use</p>	<p>It is good practice to consult with neighbours before submitting a planning application and any consultation actions could be reported within the planning application</p> <p>Consider local planning documents and national guidance</p> <p>Consider seeking pre-application advice from the Council and appropriate statutory and non-statutory consultees</p>	<p>Consult statutory consultees, non-statutory consultees and infrastructure service providers as appropriate.</p>

## HAVE YOUR SAY ON PLANNING APPLICATIONS

There is a consultation period of 21 working days following publication in the local newspapers. Anyone can submit comments during that time. All comments are read and taken into account, but they can only be given weight when making our decision if they are made on valid planning grounds (also known as “material planning considerations”). A list of common material considerations is available on the national Planning Portal website.

We may consider comments that are received after the consultation period has ended, but cannot guarantee to do so. We do not accept responsibility for, and cannot take into account, comments that fail to reach us in time because they have been delayed or lost in the postal system. For these reasons, the best way to add your comments is to submit them via our website before the consultation deadline expires. We will not reply individually to comments received about applications.

Public comments are placed on our website. It is important to remember this when submitting comments as you will be legally responsible for their content. You must not submit any comments which are offensive or which might give rise to legal proceedings against you, for example, if they are racist, sexist, homophobic or defamatory, or discriminatory in any way.

We are working towards implementing a system that will automatically remove public comments from our website after the period for appeals to be made has passed. This will occur seven months after the application is decided.

Submit comments on planning applications at <http://www.dover.gov.uk/Planning/Planning-Applications/View-Applications-Decisions/Submitting-Comments.aspx>

## CONSULTEE COMMENTS ON APPLICATIONS

Planning legislation and guidance specifies that various organisations must be consulted when a Local Planning Authority is considering applications; these are known as statutory consultees. We always consult the relevant town or parish council, but the other statutory consultees vary according to the type of application. For example with a Listed Building Consent application for works to a Grade I listed building, Historic England must be consulted.

Internal professional advice may also be sought from our own officers within the council who have expertise in construction, conservation/heritage, design, trees, landscape design, biodiversity, open space, noise, pollution, licensing, drainage, transport, and legal matters.

Comments received from statutory consultees and internal consultations are available to view via our website.

## AMENDMENTS TO APPLICATIONS

It is common for submitted applications to be altered during the process of determination. These changes usually come about through negotiation between the applicant and the case officer, for example following receipt of comments from consultees, or local residents.

We may reconsult for 21 working days when amended details are received. For example, we would re-consult if we consider that the new proposals are likely to cause a significantly greater detrimental impact on the occupants of adjoining properties.



**Keep Me  
Posted**  
News and alerts by email

The weekly list of validated planning applications is available from [dover.gov.uk/weeklyplanninglist](http://dover.gov.uk/weeklyplanninglist) or register for regular updates by signing up to **Keep Me Posted**.



## PUBLIC SPEAKING

Where an application is to be determined by the Planning Committee, members of the public can request to speak at the committee meeting. This is limited to one person speaking in favour of the application and one person against. The speakers are allowed up to three minutes each. District Councillors may also speak.

Details of how to request to speak at a Planning Committee meeting, and the associated rules, can be found on our website.

## AFTER THE DECISION IS REACHED

We notify the applicant of our decision. A copy of the decision notice is placed on our website along with a copy of the committee or officer's report. Also, anyone who has commented upon a planning application will be notified.

## APPEALS

Only applicants have the right of appeal; there are no third party rights of appeal. The appeal process is managed by the independent Planning Inspectorate. Details of all appeal rules and procedures can be found by visiting the national Planning Portal website.

# IS IT WORKING?

We aim to make our consultations easy to understand and participate in, and to carry them out in a fair and open way.

We will review feedback obtained through planning consultations to check whether our methods are working effectively. We will do this when consultation statements are prepared as part of Plan Making. The effectiveness of consultations will also be reviewed annually in the council's Authority Monitoring Reports.

The Statement of Community Involvement now recognises that a great deal of communication occurs by electronic means. This edition of the SCI also takes into account recent changes to legislation and national guidance relevant to consultation. It meets legal requirements set out in:

**Plan-making:** Planning and Compulsory Purchase Act 2004, Section 18; Town and Country Planning (Local Development) England Regulations 2012; Neighbourhood Planning (General) Regulations 2012.

**Planning applications:** Town and Country Planning (Development Management Procedure) (England) Order 2015.

We intend to continue improving our consultation practices. We will revise the SCI again if our monitoring shows that we could improve our approach to consultation, or if the government requires us to change the way in which consultation takes place.

As a minimum, the Statement of Community Involvement will be reviewed every five years.



## GLOSSARY

**Authority Monitoring Report:** A report produced each year by local authorities, which assesses progress with, and the effectiveness of, its plan-making documents.

**Consultation Statement:** A summary of the main issues raised by the consultation

**Curtilage:** the land immediately surrounding a dwelling, including any closely associated buildings and structures.

**Environmental Impact Assessment:** An analytical process that systematically examines the possible environmental consequences

**Infrastructure:** Facilities that are needed for the operation of a society. The Community Infrastructure Levy regulations cover particular types of facility including roads and schools.

**Inspection Point:** Locations across the district where consultation documents can be viewed. As a minimum this means the main council offices at Whitfield and libraries within the District.

**Local Development Scheme:** This public statement sets out the programme for the preparation of the Local Plan and Local Development Documents.

**Local Enterprise Partnership:** A body, designated by the Secretary of State, established for the purpose of creating or improving the conditions for economic growth in an area.

**Local Nature Partnership:** help their local area to manage the natural environment as a system and to embed its value in local decisions for the benefit of nature, people and the economy.

**Local Plan:** May consist of a single document or a set of documents such as a Core Strategy, Site Allocations, Development Management Policies and Area Action Plans. These are formal plans for a geographical area which are key points of reference when deciding planning applications.

**Local Strategic Partnership:** Bring together representatives from the local statutory, voluntary, community and private sectors to address local problems, allocate funding and discuss strategies and initiatives.

**Minerals and Waste Local Plan:** Produced by Kent County Council, these documents set out plans relating to mineral and waste developments in Kent.

**National Planning Policy Framework:** Sets out the Government's planning policies for England and how these are expected to be applied.

**Neighbourhood Plan:** Prepared by local communities, these set out policies and proposals for the future development of a neighbourhood but they must conform to the strategic policies of the Local Plan.

**Programme Officer:** Person appointed to assist with all administrative matters related to Examinations of Local Plan documents.

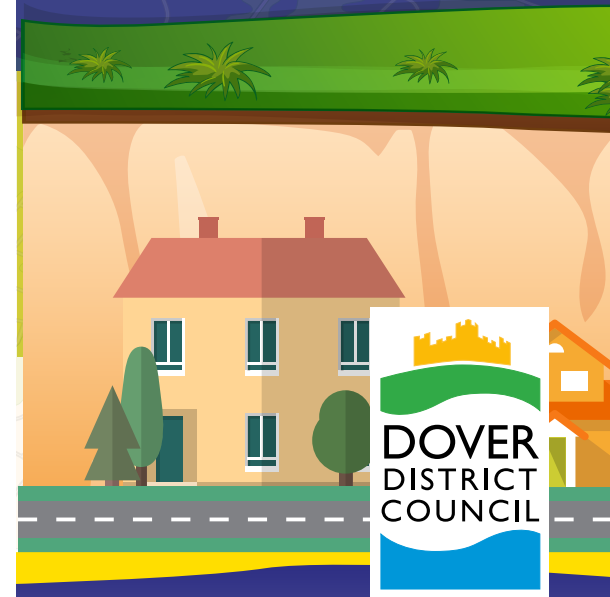
**Representation:** A formal statement submitted by a consultee at the submission stage of a development plan document.

**Supplementary Planning Document (SPD):** These documents, including issue-based documents, design guidance and masterplans, provide more detail to how policies in the Local Plan should be used.

**Sustainability Appraisal (including Strategic Environmental Assessment):** A systematic and iterative appraisal process, incorporating the requirements of the Strategic Environmental Assessment Directive. Its purpose is to appraise the social, environmental and economic effects of the strategies and policies in a local development document from the outset of the preparation process. This will ensure that decisions are made that accord with sustainable development.

For information about:  
Local Development Documents  
and to register for email alerts  
of consultations, contact  
Regeneration Delivery:  
regenerationdelivery@dover.gov.uk  
01304 872477  
or visit the Council offices.

For information about:  
Planning applications contact  
Development Management:  
developmentcontrol@dover.gov.uk  
01304 821199  
or visit the Council offices.



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<b>Subject:</b>	<b>PLANNING ENFORCEMENT PLAN</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Portfolio Holder:</b>	<b>Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Health</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To seek Cabinet agreement to amendments to the Planning Enforcement Plan Policy document (known as the Planning Enforcement Plan), and seek approval for the adoption of the revised Planning Enforcement Plan.

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- Recommendation:**
1. To confirm agreement to the amendments to the existing adopted Planning Enforcement Plan policy (known as the Planning Enforcement Plan).
  2. To authorise the Planning Enforcement Manager to amend or edit the Planning Enforcement Plan as, when and where necessary in line with any decision made by Cabinet and/or in accordance with any subsequent changes to legislation or other Council procedures.
- 

## 1. Summary

- 1.1 The original Corporate Enforcement Strategy was approved by Cabinet on 4 February 2013. The Strategy has a number of individual enforcement policies, which set out specific arrangements and procedures for each type of enforcement area. Individual policies were approved by Cabinet on December 2 2013. The current Planning Enforcement policy, referred to as the Planning Enforcement Plan (PEP) was one of the individual policies approved. Amendments to the (PEP) are now being proposed which will update and clarify processes and procedures in relation to the Planning Enforcement function.
- 1.2 The purpose of this Cabinet Report is to seek approval for the amendments proposed to the Planning Enforcement Plan policy and to seek delegated powers to be given to the Planning Enforcement Manager to amend or edit the policy.

## 2. Introduction and Background

- 2.1 The current Corporate Enforcement Strategy is the overarching document for all types of enforcement action undertaken by the Council. The Enforcement Strategy is supplemented and supported by a range of Enforcement Policies, including the Planning Enforcement policy, known as the Planning Enforcement Plan (PEP), which were approved by Cabinet on 2 December 2013.
- 2.2 Within the Corporate Enforcement Strategy it states that “Individual Enforcement Policies will be developed setting out the specific arrangements and procedures as appropriate for each area or type of enforcement”.
- 2.3 The recently revised National Planning Policy Framework (July 2018) sets out that “local (planning) authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area”.
- 2.4 Amendments are now proposed to the PEP which brings it up to date and seeks to bring clarity to the approaches and processes used to manage this area of planning enforcement. The revised PEP policy document is attached at Appendix 1

2.5 Although the aims and objectives of the revised policy document remain the same, the re-worked PEP sets out that the Council will largely focus its scarce resources more effectively towards those breaches of planning control which are resulting in the most serious harm. The main amendments to the PEP include:

- Reference to updated planning legislation
- Clarification of objectives, priorities and targets for planning enforcement
- Setting out how priorities for planning enforcement are identified
- Provision of greater certainty for all parties involved in the process

### **3. Identification of Options**

3.1 Option 1. Do Nothing

3.2 Option 2. Confirm agreement to the amendments to the PEP policy document and approve the adoption of the amended document for Planning Enforcement purposes

### **4. Evaluation of Options**

4.1 Option 1. This is not a preferred option because this would leave officers to undertake enforcement activity based on outdated procedures and potentially not in line with corporate priorities;

4.2 Option 2. This is the preferred option as the approval of the amended and updated PEP will provide a current, open and transparent procedure for officers and the public which sets out the Council's approach to Planning Enforcement.

### **5. Resource Implications**

5.1 There are no immediate, identifiable resource implications as a consequence of the approval of the amendments to the Planning Enforcement Plan policy document.

### **6. Corporate Implications**

6.1 Comment from the Director of Finance (linked to the MTFP): Finance have been consulted and have no further comments to add (SG).

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in 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**

Appendix 1: Updated and amended Planning Enforcement Plan (PEP) policy document

### **8. Background Papers**

None.

Contact Officer: Diane Croucher, Head of Regulatory Services - Extn 2208.

# PLANNING ENFORCEMENT PLAN

## 1 Aim and Scope of the Plan

- 1.1 The Planning Enforcement Plan sets out how the Council's planning enforcement service will help achieve corporate regeneration objectives, address breaches of planning control and prioritise its work. The plan describes the range of powers available to the Council, how the Council will decide whether or not to pursue planning enforcement action and the process of planning enforcement.
- 1.2 This document amends and updates the Council's Planning Enforcement Plan (PEP) to clarify approaches and processes used to manage this area of planning enforcement.
- 1.3 The re-worked PEP reflects the changes in legislation and guidance that have emerged since the adoption of the original plan and in this light sets out how the Council will largely focus its resources more effectively towards those breaches of planning control which are resulting in most harm.

## 2 Introduction

- 2.1 The Town and Country Planning system operates to regulate development and the use of land having regard to Central Government policy and advice, Local Development Plans and other material considerations.
- 2.2 Section 55 of the Town and Country Planning Act 1990 defines development as "the carrying out of building, mining, engineering or other operation in, on, under or over land or the making of any material change in the use of any buildings or other land".
- 2.3 A breach of planning control is defined at Section 171A of the Town and Country Planning Act as "the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted".

Common alleged breaches of planning control include:

- Building or engineering works that do not have planning permission and which are not development permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015, or any other Order.
- Unauthorised works being carried out to a listed building (referred to in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as amended).
- Material changes of use of land or building to a different use carried out without planning permission or which is not development permitted under the

Town and Country Planning (General Permitted Development)(England) Order 2015 or the Town and Country Planning (Use Classes) Order 1987 (as amended).

- Development that has not been carried out in accordance with a planning permission.
- Failure to comply with a condition (or the requirements of a legal agreement) attached to a planning permission.
- Unauthorised works to protected trees.
- Display of certain advertisements, without the necessary consent.
- Untidy Sites, under Section 215 of the Town and Country Planning Act

2.4 Effective enforcement is necessary to protect the district from harmful effects of unauthorised development and to ensure public confidence in the planning system is maintained.

The National Planning Policy Framework (NPPF) identifies that:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”.(NPPF, para 58, Ministry of Housing, Communities and Local Government July 2018).

Planning Practice Guidance (PPG) sets out that effective enforcement is important as it:

- Tackles breaches of planning control that would otherwise have an unacceptable impact on the amenity of the area.
- Maintains the integrity of the decision making process.
- Helps ensure public acceptance of the decision making process is maintained.



A planning enforcement plan is important because it:

- Allows engagement in the process of defining priorities and objectives that are tailored to local circumstances.
- Sets out priorities for enforcement action which will inform decisions about when to take action.
- Provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers.
- Provides greater certainty for all parties engaged in the development process. (PPG 2014)

2.5 The Regulators' Code sets out the Government's expectations that local authorities will ensure their approach to regulatory activities are transparent. The code came into statutory effect on 6 April 2014 under the [Legislative and Regulatory Reform Act 2006](#) and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. It sets out, amongst other things that allegations of breaches of planning control will be investigated subject to a prioritisation process and according to the Code.

The code promotes proportionate, consistent and targeted regulatory activity. See Appendix 1 for more detail on planning enforcement and the Regulators Code.

### **3 General Principles**

3.1 Planning enforcement is discretionary, (except where the carrying out of works has resulted in an offence – such as the carrying of unauthorised work to a listed building, where implications and considerations are different) and when carrying out enforcement action the Council must work within the statutory framework and follow best practice guidance and procedure.

The Council has discretion to take enforcement action when they regard it expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan. (PPG 2014)

3.2 The Council is committed to acting in a fair and consistent manner and has adopted an enforcement plan as part of this commitment.

3.3 Resources will be targeted at dealing with the most serious breaches of planning control which cause unacceptable harm to, the quality of life of residents and the natural, historic and built environments.

When exercising its enforcement functions the Council will act in a way that is:

- Transparent.
- Accountable.
- Proportionate.
- Consistent.
- Targeted only at cases in which action is needed.

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Articles 8 and 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulations in a proportionate way. (PPG 2014)

Reference to relevant documents, advice, guidance and legislation that underpin this Plan can be found at Appendix 2.

#### **4 Local Context**

4.1 The Planning Enforcement Plan is formulated to make sure that unacceptable breaches of planning control that cause the most harm are remedied and that development is carried out in accordance with the terms of any approval. This ensures that the Councils Development Plan, which in turn supports Corporate Plan objectives, are being met.

The Planning Enforcement Plan seeks to support:

- A thriving economy.
- A clean, green and safe environment.
- Healthier people and communities.
- A smarter council.

4.2 The Planning Enforcement Team operates within the parameters of the planning legislation. It's approach to investigating breaches of planning control is lead by the Development Plan in force, which conforms to corporate plan objectives. The team are responsible for investigating and resolving allegations of breaches of planning control.

4.4 Whilst the majority of planning enforcement work is reactive, the Council is committed, where practicable and appropriate, to undertake pro-active enforcement action . The Development Plan seeks to transform Dover Town Centre, in particular

so at present this pro-active approach is primarily directed at untidy sites. The Council is currently piloting a street scene improvement initiative within Dover Town Centre area. This initiative involves the Planning Enforcement Team using its powers under s215 of the Act and working in conjunction with other departments to improve and enhance the Dover Town Centre area as part of its regeneration agenda. If successful, this may be extended to cover other areas of the district.

4.3 The Council monitors the implementation of planning permissions in different ways. It monitors housing development permissions for the Councils Authority Monitoring Report. The Council has a conditions Officer who pursues outstanding conditions with developers as part of conditions submissions pursuant to permissions being granted. The planning enforcement team will be developing protocols for liaison between its internal departments, in particular Building Control, which will include further ways of co-ordinating conditions monitoring in a joined-up approach. In other cases conditions are not routinely monitored. For this type of investigation work, the most efficient use of planning enforcement resources is reactive.

## **5 How breaches of Planning Control are prioritised and what will and won't be investigated.**

5.1 Whilst the majority of alleged breaches of planning control reported will be investigated, the planning enforcement function does not serve the interests of the private individual. It only operates in the wider public interest. The Council does not exercise its planning enforcement powers as a punishment and operates a system where those matters that are considered to be most important, based on planning merits, are given highest priority.

5.2 In view of the significant numbers of complaints that are received and to ensure efficient use of resources, a more targeted and definitive approach is taken towards those breaches that are potentially most harmful.

5.3 A prioritisation approach is being developed which involves the use of a desk based matrix-based scoring and research system to carry out an initial evaluation of an alleged breach of planning control. All alleged breaches are screened, evaluated and scored against specific criteria in this way. The resultant score indicates whether a case is a high, medium or low priority for investigation purposes. The circumstances and details of each alleged breach, including material planning considerations, are taken into account in deciding what level of priority is given to a case.

The matrix and desk based assessment approach is outlined at Appendix 3.

**High priority cases** include those where:

- Serious harm is being caused to the environment, especially within the AONB and/or to residential amenity;
- Unauthorised works are being carried out to a listed building;
- Significant harm is being caused to the character and setting of a Conservation Area;
- Unauthorised works are being undertaken causing harm or damage to protected trees.

The team will aim to undertake an initial assessment and site visit of all high priority cases within 3 working days of receipt of a valid complaint (see below and Appendix 4).

It should be noted that an allegation of works to a listed building or works being carried out to a protected tree, will usually result in an immediate initial assessment, site visit and inspection by an Investigation Officer.

**Medium priority cases** include those where:

- Development is contrary to Development Plan Policy or Government Policy AND is unacceptable, cannot be justified and which causes some level of environmental/residential harm – this could include the display of some types of advertisements or untidy sites (under Section 215 of the Act).

Cases that are allocated a medium priority will result in an initial assessment being made, which may include a site visit and inspection within 15 working days of receipt of a valid complaint.

**Low priority cases** are those which involve minor or technical breaches and / or which are judged to cause little or no harm. These cases include:

- Development which involves minor differences between an approved scheme and what has been built.
- Breaches of condition which are minor in nature and / or are likely to be resolved during the passage of time eg bricks that are a slightly different colour to those which are approved, means of enclosure which differ from details approved etc.
- Breaches of planning control which cause little or no harm to residential and / or environmental amenity eg where an extension or means of enclosure has been carried out without planning permission which is only marginally above or beyond what the permitted development criteria allow.

Where the matrix assessment and desk based research shows the alleged breach to be a low priority, it will not normally be necessary to carry out a site visit or inspection. At that point, provided the Investigation Officer is satisfied with the evidence, the case will be closed.

5.4 Other than cases which relate to unauthorised works to protected trees or to a listed building (which are always high priority and investigated as a matter of high priority) and low priority cases (which have been closed), a case will be allocated to an Investigation Officer who will carry out further investigative work, which will usually include a site visit and inspection.

5.5 It should be noted that during the course of an investigation, dependant on the evidence and details uncovered by the Case Officer, a priority given to a case at the outset, including those considered to be a low priority, may change.

What the Planning Enforcement Team will not, as a matter of course, investigate:

- Cases which are not valid complaints.
- Boundary disputes – these are civil matters not able to be resolved under the planning legislation.
- Dangerous structures, dealt with by Building Control contact: [buildingcontrol@dover.gov.uk](mailto:buildingcontrol@dover.gov.uk)
- Fly tipping, dealt with by Enviro-crime, contact [envcrime@dover.gov.uk](mailto:envcrime@dover.gov.uk)
- Noisy neighbours, dealt with by Environmental Protection, contact [envhealth@dover.gov.uk](mailto:envhealth@dover.gov.uk)
- Development that is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and/or the Town and Country Planning (Use Classes) Order 1987 (as amended)
- Development that is immune from action (eg 4 years in the case of a dwelling house or operational development and 10 years in the case of a use).
- Anonymous complaints, except where unauthorised are works being carried out to a listed building or to a protected tree.

## 6 What is a Valid Complaint?

6.1 To enable the Investigation team to establish how an alleged breach can be best investigated and what priority should be allocated to it, as much information as possible is required from a complainant at the outset. There are a number of questions and details that are required that will comprise a valid complaint.

A valid complaint is one which includes :

- Full details of the alleged breach
- The full address or geographic grid reference of the site where the breach is taking place
- Details of the amount of time the breach has been or is being carried on for
- Full contact details, including the address and telephone number of the complainant

6.2 In the course of carrying out the initial matrix and desk based assessment, except in the case of allegations of unauthorised works to listed buildings or protected trees, further information may need to be obtained from the complainant, which is why full contact details are necessary. Only valid complaints will be given a priority rating and allocated to an Investigation Officer.

## **7 Investigation of a Valid Complaint**

7.1 Once a case has been validated an acknowledgement letter will be sent. In the case of low priority investigations once the matrix and desk base research has been undertaken a letter will be sent to the complainant explaining why the Council is not going to take the investigation forward and has closed the case. In the case of high and medium priority cases, further investigations will be undertaken (usually involving a site visit). It may be that during the course of investigation, the Investigation Officer will seek further information from the complainant.

7.2 Where a case is complicated an investigation can take some while to conclude. Once a decision has been taken on any course of action, and action is taken, the complainant will be notified of the conclusions of the investigation accordingly.

See Appendix 5 in respect of the general principles behind planning enforcement investigations.

## **8 Types of Planning Enforcement Action and options.**

8.1 Taking enforcement action does not only mean issuing formal notices. Resolution of alleged breaches of planning control can be best achieved through negotiation and discussion to achieve an equitable outcome.

Different types of action include:

Informal Action.

- Verbal advice – where a case is dealt with through discussion with relevant parties. Where the contravener shows a willingness to remedy contraventions which could be of a relatively minor nature.
- Written advice – where a case is dealt with in writing between interested parties. This may follow the above stages, but would be better utilized where the breach being investigated is a little more complex/ serious – but none-the-less where the contravener indicates co-operation to remedy the breach.
- Negotiation – which may involve persuading the contravener to make some changes to a development which could result in the development being permitted development (and thus not requiring permission) or could result in the submission of a regularising application for a suitable development.

And

Formal Action.

- Formal notices – this can mean that notices requiring information relating to the breach are served and/or that a notice is served requiring certain steps to be taken to remedy any breach or to stop a breach from happening or recurring.
- Simple caution – this step taken where an offence has been committed under the legislation, such as the non-compliance with a valid notice or where unauthorised works are being carried out to a listed building or protected tree etc.
- Direct action – this step is considered where a formal notice has been served and has not been complied with, which would remedy the breach to serve the wider public interest, particularly the appearance and amenity of the area.
- Prosecution – this step is taken where it is considered proportionate to the requirements of any notice which has not been complied with and would best serve the wider public interests of the area.
- Injunction – is only sought in respect of the most serious of breaches of planning control.

8.2 Enforcement action will always be proportionate, that is to say commensurate with the type of breach and the level of harm. Where little or no harm is caused

enforcement action will not be pursued. Formal action is usually only taken as a last resort when all other avenues to resolve a breach have been exhausted. Where the balance of public interest lies in pursuing a course of action will vary from case to case.

8.3 Considerations on expediency will include where the development “conflicts” to an unacceptable degree with the Development Plan and government policies and objectives, and / or causes serious harm to public amenity and / or to an interest of acknowledged importance, such as the character or appearance of a conservation area or the setting of a listed building.

8.4 The Planning Enforcement Team works with other internal departments or external agencies to take a pro-active approach to planning enforcement in a conjoined multi-disciplinary approach.

See Appendix 7 for circumstances where enforcement action may have to be taken and Appendix 8 for details of types of actions, formal notices and when they are used.

## **9 Next steps**

9.1 Where formal enforcement action is pursued, and a notice is issued, then in most cases the contravener may appeal to the Planning Inspectorate against the notice. This does not apply to an appeal against a Breach of Condition Notice or a Notice issued under Section 215 of the Act has been served, where appeals are heard by the Courts. Whilst an appeal is under consideration the Council cannot take steps to remedy the breach set out in the notice.

9.2 In an appeal against the issue of a Notice particularly if the appeal is held at a Public Inquiry, the Council will expect that complainants to assist the Council in giving evidence as a witness.

9.3 Once an appeal has been decided upheld or there has been no appeal against the issue of an enforcement notice, the Council can consider taking steps to remedy the breach. Those steps are either to prosecute the contravener for non-compliance, against which ultimately there is a prison sentence and/or to carry out works in default (known as direct action) of all or any of the requirements of the notice. If direct action is taken to remedy the breach the owner will be asked to pay for the costs of the works. Failure to pay results in a charge being placed on the land so that costs can be recouped. These steps are serious measures and due consideration has to be given at each stage as to the most proportionate and effective course of action to remedy the breach.



## 10 Case Closure and Monitoring the Service

Our investigations are considered to be complete when one of the following points has been reached:

- The investigation identifies that no breach of planning control has occurred.
- An alleged breach of planning has been identified but then resolved by negotiation.
- A planning application or other form of application has been submitted and approved following the investigation.
- A breach of planning control has been identified but it is not considered expedient to take formal enforcement action.
- A formal notice has been complied with.
- A formal notice has been dismissed by the Planning Inspectorate or Secretary of State at appeal.

10.1 The Council has a Planning Enforcement Register available to the public which contains details of Enforcement Notices, Stop Notices, Breach of Condition Notices and Planning Enforcement Orders that have been issued.

10.2 The Council monitors its own performance and for this purpose keeps records of cases received; cases closed through negotiation; where there is no breach; where it is not expedient to take action; notices issued; compliance and appeal decisions, as well as default actions and prosecutions taken. This is subject to regular reporting to and scrutiny of Members.

A flow chart setting out the investigation process is set out at Appendix 9

## APPENDICES

### 1 – Planning Enforcement and the Regulators Code.

Although planning enforcement is a discretionary function, the Council has decided to exercise its function and accordingly does so pursuant to the Town and Country Planning Act 1990 (as amended). The Council acts in a proportionate way in tackling breaches of planning control and will take action only when it is considered expedient to do so. In considering action the Council will have regard, amongst other things to the development plan and all other material considerations when deciding their approach. The Enforcement Plan is a material consideration.

The Councils Planning Enforcement team sits within the Regulatory Services

Department, whose function is underpinned by the Regulators Code (Department for Business Innovation and Skills) April 2014. More details can be found in the code itself through the following link

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

In accordance with the Regulators code, where there is an offence, firm but fair enforcement of the law will be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the Council operates, what those regulated may expect; and accountability for the Councils actions.

## **2 - Relevant advice, guidance and legislation underpinning this plan:**

- The Development Plan
- Town and Country Planning Act 1990 (as amended).
- Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)
- Planning and Compulsory Purchase Act 2004.
- The National Planning Policy Framework (NPPF) 2018.
- Planning Policy Guidance (PPG)
- The Council's overarching Enforcement Strategy.
- Advice from the Crown Prosecution Service.
- Home Office COPS and Guidance.
- The Regulator's Code 2007.
- Human Rights Act 1998.
- Police and Criminal Evidence Act 1984.
- Criminal Procedure and Investigation Act 1996.
- Regulation of Investigator Powers Act 2000.
- Data Protection Act 1998.
- Freedom of Information Act 2000.
- The Protection of Freedoms Act 2012.

## **3 - The Matrix assessment and what it looks at in determining priorities for cases**

Priority assessments are calculated on receipt of a valid complaint. As is discussed in the main body of the plan, it is necessary for the Council to use its resources responsibly and prudently. Investigation efforts are always directed at the most serious of breaches which would cause most harm. A matrix system has been developed to ensure consistency and fairness in assessing the initial complaint. The matrix assessment will be carried out as part of a desk based exercise and is the first stage of investigating a complaint. The initial desk based exercise may also

include contacting the complainant for further details, researching the legislation and planning history and making any other enquiries to establish facts and evidence.

The initial matrix and desk based research approach is subject to ongoing review and refinement. The Council wants to ensure fairness and consistency in making its initial assessment and takes into account matters such as the level or seriousness of harm caused – such as ongoing noise or pollution, whether the harmful effects are escalating or stable, whether there is serious effects or harm to neighbour or residential amenity, where the development is located ie is it in an Area of Outstanding Natural Beauty or in a Conservation Area and so on. It is therefore necessary that as much detailed information is given in registering a complaint so that a full evaluation can be considered to a range of identified criteria in considering the priority that is given to a complaint.

The matrix assessment scoring approach and desk based research carried out gives an initial indication of the priority that is given to the investigation as well as determining whether a case can be closed.

It may be that in the course of investigations low, medium or high priority cases may have their priority altered.

#### **4 - How to report a suspected breach of planning control**

There are several ways to notify the Council of a suspected breach of planning control, which must always be in writing.

The most straightforward way is to visit the Councils web-site and complete the Planning Enforcement Alleged Breach of Planning Control complaints form. This will assist you to give the necessary information to enable a valid case to be created..

The link to this form is as follows: <https://forms.dover.gov.uk/planning-breach>

The Councils Customer Service Team will be able to complete the form for you to forward onto the Planning Enforcement team if you do not have access to the internet. The Council has a walk-in reception where you can speak to a Member of the Customer Service or you can telephone them. Their contact number is 01304 821199

You can also approach your Parish or Town Council Clerk who may be able to complete and forward the form to Planning Enforcement Team on your behalf.

The Planning Enforcement Team has a dedicated e-mail address. If you wish to make a complaint you should follow the link in the e-mail acknowledgment, which will direct you to the complaint form. Although you can register a complaint via this address, it may not be responded to as quickly as the dedicated form. It may also result in a delay as we will have to complete the complaints form on your behalf and if we do not have sufficient information then we will have to get back to you. The email address is [planningenforcement@Dover.GOV.UK](mailto:planningenforcement@Dover.GOV.UK) . You should be aware that

all information and details are treated as confidential during the course of an investigation. However it may be that should matters proceed to Court or Public Inquiry, then your details may be made public.

Dover District Council is a data controller under GDPR, your attention is drawn to our Corporate Privacy Notice at <https://www.dover.gov.uk/privacy>. This explains how we will use and share your personal information and protect your privacy and rights.

## **5 – Planning Enforcement Investigation principles**

The Town and Country Planning system regulates development and use of land, in the public interest.

Although it is not a criminal offence to carry out development without first obtaining any necessary planning permission, such action is discouraged. The fact that enforcement action is discretionary and should be used as a last resort and only when it is expedient, does not condone the wilful breach of planning control.

In considering enforcement action the decisive issue for the local planning authority is whether the breach of planning control would cause serious unacceptable harm to the environment and / or to amenity.

Any enforcement action taken will be commensurate and proportionate to the breach of planning control to which it relates. It is usually inappropriate to take formal action against a trivial or technical breach of planning control which causes no harm or where the development is acceptable on its merits and formal enforcement action would solely be to regularise the development or where the local planning authority consider that an application is the appropriate was forward to regularise a situation where for example, planning conditions may be imposed. The intention of the enforcement function will be to remedy the effects of the breach of planning control, not to punish the person(s)(contravener) carrying out the breach.

The fact that development has been carried out because the contravener believed planning permission was not needed, is not relevant in determining whether or not to take enforcement action. However, the cost to the contravener, in responding to any enforcement action could represent financial and / or human rights burdens and whilst this does not prevent action being taken, this can be a material consideration in deciding how to handle a particular case.

The starting point for any investigation is to consider negotiating a solution and to identify steps, if there are any, which could mitigate any harmful effects. In negotiating a solution and / or considering the expediency of taking enforcement action it will be necessary for the local planning authority to bear in mind the statutory time limits for pursuing enforcement action. Formal action will not be taken where:

- There is a trivial or technical breach of planning control which causes no

material harm or adverse impact on the amenity of the site or surrounding area.

- Development is acceptable on its own planning merits and formal action would be solely taken to regularise the development.
- In any assessment, the Council considers that an application is the most appropriate way forward to regularise the situation for example where planning conditions may need to be imposed.

## **6 - Circumstances where formal planning enforcement action may have to be taken**

Where the Council considers that unauthorised development may be acceptable, or could be made acceptable, a retrospective application will be invited without prejudice to the eventual determination of any such application. Section 73A of the Town and Country Planning Act 1990 allows planning permission to be given for development that has already been carried out.

In some situations, where a contravener asserts that a breach has become lawful (or immune from enforcement action), there is an expectation that the contravener will provide sufficient evidence to the Council to substantiate their claims. This will normally need to be in the form of an application for a Certificate of Existing Lawful Use or Development. A failure to submit an application supported by the necessary evidence establishing that lawful use or where insufficient evidence is available from other sources to corroborate the contravener's assertions it may result in the issue of an Enforcement Notice.

Where retrospective planning or other applications are submitted and invalidated (i.e. where there is a failure to comply with the Councils Validation Checklist, for example), the Council will not consider this sufficient reason to delay further enforcement action. The onus is upon the contravener to submit a valid application within the specified timescales.

Where a planning or other application has been submitted to "regularise" a breach, any formal enforcement action considerations will be made following determination of the application

Some breaches of planning control are unintentional. However, where a breach is identified, it is expected that those responsible will engage positively with the Council to resolve the problem, and show genuine commitment to regularising or remedying the breach. The onus is on the contravener to regularise or remedy breaches of planning control and, where the opportunity to do so is not taken up, then formal enforcement action will be considered. The Council will seek to work with contraveners, where possible, to assist in remedying the breach and advising on what action is required to do so.

A timetable will be given for the contravener to put matters right and if he or she appears unwilling to do so or does not comply with the timetable, formal enforcement action may be taken without further reference to the contravener.

Where breaches of planning control are considered so serious that there should be no delay in taking preventative action, the Council can consider whether to serve Temporary Stop Notices or use its injunctive powers. These tools are however to be used sparingly and only in those cases where there is significant and irreparable harm is likely to be caused.

## **7 - The requirements of an enforcement notice and compliance**

Once a breach of planning control has been determined as unacceptable and it is determined that it is in the public interest to pursue enforcement action, it is necessary to determine an appropriate period in which the contravener has to comply with any necessary steps to alleviate the breach of planning control. In determining periods for compliance, it is appropriate to consider matters such as, the time needed to relocate or re-organise a business, the effect of enforcement action on employment, social costs on the owner or occupier of the land, the time needed to organise and carry out physical works, and any seasonal considerations for example when planting and landscaping works are involved.

When relocation is required, for example for a business use, it is not the Local Planning Authority's responsibility to seek out an alternative site that might be more acceptable in planning terms. However, if a suitable site is known it will be suggested and a time limit for relocation agreed.

When a development provides valuable employment, the Council will advise the owner or occupier how long the activity or operation shall be allowed to continue or to be reduced to an acceptable level of intensity. An enforcement notice will usually be issued which will allow for a realistic period for compliance for the unauthorised activity or operation to cease, or its scale to be reduced to an acceptable level.

Enforcement action against unlawful and unacceptable development may result in social costs such as homelessness to the occupants. Whilst not condoning any unlawful use of land social costs may be taken into account in determining periods of compliance.

When an enforcement notice has been served which provides a reasonable time for compliance but, despite serious and evidenced efforts, the owner or occupier has not fully complied, the Council can consider whether either:

- The requirements of the notice should be relaxed to provide additional time to enable compliance; this would need to be weighed against the degree of harm caused by the unauthorised development.
- The steps that have been taken to comply are sufficient to have remedied the

harm to an acceptable degree; taking account of whether insisting on full compliance is practical and proportionate to the benefit to be gained.

If neither of the above approaches is considered appropriate the Council would take action to ensure full compliance with the Notice.

When enforcement action has been taken but compliance not achieved within the agreed period and under enforcement is not appropriate, the Council has several options, which can vary depending on the type of Notice served. The Council can bring prosecution proceedings through the Courts, seek the assistance of the Courts in obtaining an injunction or exercise default powers and use its approved contractors and agents to carry out any or all of the steps required.

Each mechanism has advantage and disadvantages. Successful prosecution proceedings will punish the contravener but will not in itself bring to an end a breach of planning control, although it may deter further contraventions. Default action is effective especially in removing structures and the total cost is normally recoverable in time. However, the primary consideration in determining the manner in which compliance with the requirements of an Enforcement Notice can be achieved will be ensuring that the harm being caused is sufficiently remedied and proper planning of the area is restored as soon as possible.

## **8 -Types of Formal Notices and Enforcement Tools**

The following table gives a summarised version of some of the more common tools and notices are available to the planning enforcement service for investigating and resolving alleged breaches of planning control. The table is not exhaustive and more comprehensive details can be found in the PPG.

No breach Take no action or no formal action	Appropriate when it is concluded either that there is no breach of planning control or that there is a breach but its impacts are not sufficient to make it expedient for the Council to take enforcement action or where the contravener takes immediate action to remedy the breach.
Ongoing Review	Take no immediate action, but monitor the position in case circumstances change. Such cases might include minor breaches causing no significant harm, those which are unlikely to create a precedent or which may be remedied of their own accord.
Allow Time to Remedy	Time may be given to remedy the breach or justify its retention. Such cases may include situations where there is no demonstrable harm and is not so serious as to warrant immediate action or where it may be justifiable by some other benefit. However, because formal enforcement action takes some time in any event, any informal opportunity to resolve the breach will not be allowed to delay formal action.
Submission of retrospective planning application	The Council can decide to invite a retrospective planning application for development where it considers this is the best way to deal with a breach of planning control. For example where it considers a development may be made acceptable subject to the imposition of planning conditions. However, in inviting an application it cannot be assumed that planning permission will be granted as any planning application will be decided in the normal way, taking into account all material planning and other considerations.
Planning Contravention Notice	This allows the Council to require information they need for enforcement investigation purposes with regards to any operation or use being carried out on the land as is used to invite the contravener to respond constructively to the Council about how any alleged breach of planning control could be remedied. This is a discretionary procedure and the Council does not need to serve a planning contravention notice before considering expediency of pursuing action. To provide misleading or false information or failure to return a notice within 21 days is an offence and could render the recipient liable to prosecution.



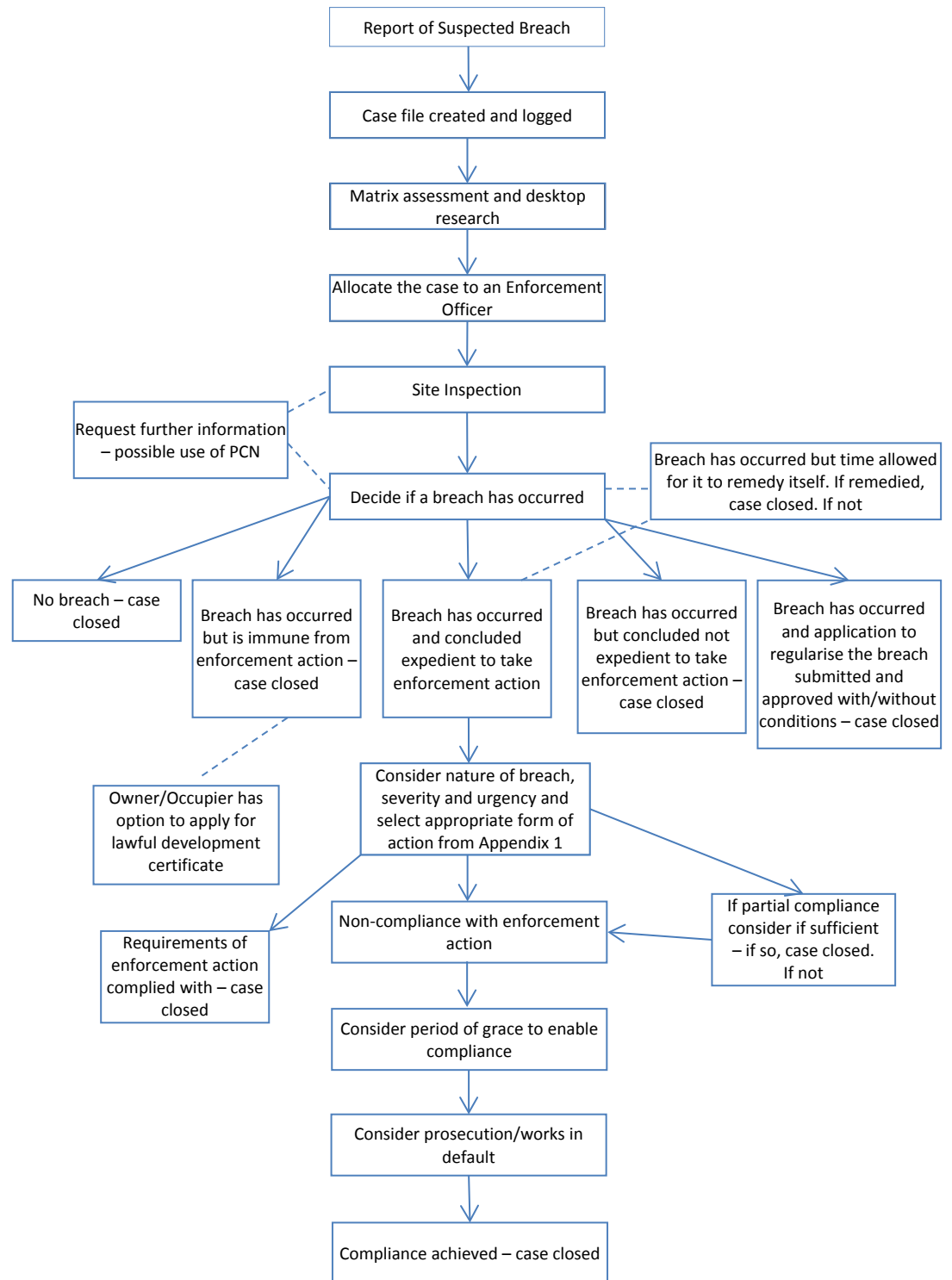
<p>Enforcement Notice and Enforcement Notice against breach of conditions</p>	<p>An enforcement notice can be issued where it is considered expedient to do so, against all or only part of a development that is held to be unacceptable (under enforcement). In such circumstances the remaining building or use will be deemed to have planning permission when the enforcement notice has been complied with sufficiently. There is a right of appeal to the Secretary of State against the notice, which can be upheld, quashed or amended. Non-compliance with the requirements of an enforcement notice is an offence. The penalty for non-compliance is up to £20,000 but there is no upper limit in the Crown Court.</p>
<p>Breach of Condition Notice</p>	<p>This can be used in addition or as an alternative to an enforcement notice where the unauthorised activity is in breach of a condition attached to a planning permission. As there is no right of appeal against a BCN and as it can only be used to secure complete compliance with a planning condition, “under-enforcement” is not an option. Also, as there are no powers for the Council to enter the land and carry out works, prosecution is the only means of enforcement. Therefore the use of a BCN may not always be appropriate. The maximum penalty on conviction is level 3.</p>
<p>Planning Enforcement Order</p>	<p>This enables the Council to take action against development that has been deliberately concealed, notwithstanding that the normal time limits (ie 4 or 10 years) may have expired or within the time limits, within 6 months of the apparent breach being drawn to the Councils attention. The process is pursued through the Courts and the Council would be required to give evidence and prove that concealment was deliberate for an Order to be made. If the Order is made, then this gives the Council time to take enforcement action, if considered expedient. There is a right of appeal against an Order.</p>
<p>Listed Building Enforcement Notices</p>	<p>A Listed Building Enforcement Notice can be served against unauthorised works that damage the character of a listed building. There is no four or ten year rule limiting time in which such an enforcement notice can be served.</p>

Urgent Work Notice	This enables the Council to execute any works which appear to them to be urgently necessary for the preservation of a listed building.
Listed Building Repairs Notice	This enables the Council to serve a notice upon the owner of a listed building specifying the works it considers reasonably necessary for the proper preservation of the building.
Listed Building and Conservation Area demolition Prosecution	A person who is found to carry out unauthorised works that affect the special architectural character or historic interest of a statutorily listed building or carries out unauthorized demolition in a Conservation Area without planning permission, is committing an offence and can be prosecuted, and imprisoned for a term not exceeding 6 months, or fined up to £20,000 or, on conviction by indictment, to an unlimited fine
Temporary Stop Notice	<p>A temporary stop notice can be issued to seek immediate cessation of the breach of control. Unlike a Stop Notice, it does not require an enforcement notice to be served first. It is only valid for a period of 28 days, by which time the Local Planning Authority can decide whether or not to serve an enforcement notice. There is no right of appeal against a Temporary Stop Notice and it is an offence to contravene such a Notice, with the maximum fine, on summary conviction, of up to £20,000.</p> <p>A Temporary Stop Notice should only be used where the Council is satisfied that there has been a breach of planning control and that the breach has to be stopped immediately. It can only be used where it is essential to safeguard amenity or public safety in the neighbourhood or to prevent serious or irreversible harm to the environment in the surrounding area.</p> <p>Compensation may be payable if the LPA later issues a lawful development certificate.</p>

Stop Notice	<p>The Council can issue a Stop Notice where a breach of planning control alleged in an Enforcement Notice is causing serious or irreparable harm ahead of the deadline in the related enforcement notice. It can only be served if an enforcement notice has first been served. There is no right of appeal against a Stop Notice and it is an offence to contravene such a Notice, with the maximum fine, on summary conviction, of up to £20,000.</p> <p>However, a Stop Notice should only be served when the effects of the unauthorised activity are sufficiently serious and it is considered essential to safeguard amenity or public safety in the neighbourhood or to prevent serious or irreversible harm to the environment in the surrounding area. Accordingly, a decision to issue a Stop Notice must be fully justified as there are consequences for the Council if the related Enforcement Notice is quashed or varied on appeal, or the Stop Notice is withdrawn the Council may be liable to pay compensation for any financial loss resulting from the issuing of the Stop Notice.</p>
Court Injunction	<p>This may be taken in the most serious cases where irreparable harm is being incurred and where other actions have failed.</p> <p>There are significant costs involved in bringing such action and it can only be justified in extreme cases. Defendants risk imprisonment if they do not comply with a court order.</p>
Right of Entry	<p>Entry onto land can be authorized by Councils and Justices of the Peace for enforcement purposes. It is limited as to what is considered as essential in the particular circumstances for effective enforcement of planning control. It is an offence to willfully obstruct an authorized person acting in exercise of a right of entry.</p>
Direct Action	<p>The Council may enter land to take the necessary steps to secure compliance when an Enforcement Notice or s215 Notice has not been complied with. This may have to be at the Council's cost if the contravener does not pay for the remedial works to be undertaken. However a charge can be placed on the land and costs are recoverable from the landowner when it is sold.</p>

Section 215 Notice	Such a Notice requires steps to be taken to remedy the condition of land or buildings that is considered to be adversely affecting the amenity of the surrounding area. Non-compliance is subject to a maximum penalty of level 3. Non-compliance after conviction attracts further fines.
Section 225A Notice	Such a Notice requires the removal of a display structure in respect of unauthorised advertisements which are considered to adversely affect amenity or public safety. There is a right of appeal to the Magistrates Court. The display of an unauthorized advertisement is an offence and the contravener can be prosecuted in the Magistrates Court.
Discontinuance Notice	Such a Notice requires the removal of an advertisement displayed with the benefit of 'deemed advertisement consent', i.e. an advertisement that would not normally require consent from the Council to be displayed.
Tree Preservation Orders/Protected Trees	It is an offence not to comply with a tree preservation order and or cut down or lop trees in a conservation area without the necessary consent. The Council will consider the proportionality of proceeding straight to prosecution through the Magistrates court in respect of such cases.

## 9- The planning enforcement process flow chart.



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<b>Subject:</b>	<b>RESTORATION OF MAISON DIEU (DOVER TOWN HALL)</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b>
<b>Report of:</b>	<b>Roger Walton, Director of Environment and Corporate Assets</b>
<b>Portfolio Holder:</b>	<b>Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To provide an update to Cabinet on the progress with the plans to restore Maison Dieu, Dover following the Council’s successful application to the Heritage Lottery (HLF) for a Heritage Grant and to seek agreement to the next steps with the project.

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**Recommendation:** To agree to:

1. Confirm agreement to accept the award of the development grant from the Heritage Lottery Fund.
2. Approve the Council’s match-funding contribution to the development phase.

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## 1. Summary

- 1.1 Maison Dieu, Dover (Dover Town Hall) is a substantial DDC-owned asset which is not currently being used to its full potential and the condition of the building is progressively deteriorating. Accordingly, plans have been developed over recent years to restore the building.
- 1.2 In connection with these proposals, the Council has now been advised by the Heritage Lottery Fund (HLF) that its application in March 2018 for a development grant has been awarded a first-round pass.
- 1.3 This report seeks Cabinet consent to formally confirm acceptance of the grant and the associated grant conditions and to allocate £200k from the Capital programme to the project as the Council’s match funding contribution to this phase of the project.

## 2. Introduction and Background

- 2.1 The Maison Dieu is a substantial DDC-owned asset situated within the Dover Town Centre Conservation Area and is a Grade 1 Listed Building and a Scheduled Ancient Monument. It has a long history dating back to 1203, originating as a mediaeval hospital (Maison Dieu). The building is an extensive and complex property that has been extended several times throughout its life encompassing many architectural periods.
- 2.2 Following Cabinet agreement in July 2014, consultants Ingham Pinnock Associates were commissioned to prepare a sustainable business plan for the future refurbishment and redevelopment of Dover Town Hall. This was presented to Cabinet at the meeting held on 3 November 2015 when Cabinet agreed to allocate funds from the Regeneration Reserve within the Earmarked General Reserves to enable the project to move forward to the next stage and to support the development of a bid for grant support to HLF.

- 2.3 Subsequent reports to Cabinet considered in October and November 2016, agreed to allocate a further £30k from the Special Projects Reserve support the preparation of the bid and to increase the monies allocated to this project within the capital programme from £2m to £3m.
- 2.4 The initial submission made to HLF for a Heritage Grant of £8.5m towards an estimated project cost of £13.2m as agreed by Cabinet was submitted in December 2016.
- 2.5 Applications for Heritage Grants above £5m are required to be made by December each year, with a decision in April. The Council's initial application was thus considered at the National Heritage Memorial Fund Board Meeting on 25 April 2017. The minutes of the meeting record that the Committee for South East England considered that the project represented a high priority (1 of 2) for support and that The Board considered that the project represented a high priority for support, but rejected the application in light of the available budget for the meeting.
- 2.6 The Council was advised accordingly of the Board's decision in June 2017. As suggested within the minutes, feedback from HLF Officers received subsequent to the decision was very positive regarding the proposed restoration project and the Council was encouraged to resubmit the proposals to a future funding round.
- 2.7 Changes within the HLF grant structure, required the proposals to be reworked, with some elements of the project being phased or funded through other means to reduce the project costs and thus the level of grant required.
- 2.8 A new application based on these revised proposals was then made to HLF in March 2018 seeking a grant of £4.272m towards an estimated project cost of £8.388m.
- 2.9 This application was considered on 26 June 2018, following which the Council has been advised that the HLF have awarded the project a first-round pass and the development grant of £427k to support the preparation of a second round application. This process is highly competitive and Cabinet are asked to note that only 4 out of the 37 first round applications were awarded a grant by the Board at this meeting.
- 2.10 HLF advise that the first-round pass means that they have assessed the project as having the potential to deliver high-quality outcomes and value for Lottery money. The first-round pass does not guarantee that the Council will receive a grant for the delivery phase as the second-round application will still be in competition for funding. However, the vast majority of projects receiving a first-round pass progress successfully through the second-round application process.
- 2.11 Conditions of the grant are contained within the award letter include in Appendix A and include a requirement to submit the second-round application by 2 July 2020.
- 2.12 Given the need to progress with the project, a meeting has already been held with HLF officers to agree next steps and the requisite forms submitted to seek 'Permission to Start' from the HLF. Cabinet are asked to note the action taken and to formally confirm agreement to accept the award of the development grant from the Heritage Lottery Fund and the associated grant conditions.
- 2.13 Funding for the development phase of the project includes a contribution of £200k from the Council's capital programme as the Council's match funding contribution to this phase of the project. Cabinet are asked to confirm their agreement to the allocation of these funds to the project.

### **3. Identification and Evaluation of Options**

- 3.1 There are two Options available to Cabinet:

Option 1: To accept the award of the HLF grant and the allocation of funds from the capital programme. (This is the preferred option)

Option 2: To take no action.

- 3.2 Option 1 is the preferred option as this will allow the project to be progressed to support the restoration of the Maison Dieu and the wider regeneration of Dover.

#### **4. Resource Implications**

- 4.1 The Council has been awarded a grant of £427k from the HLF for the development phase of the project; DDC's £200k match funding will be allocated from the district regeneration and economic development reserve provision included in the current medium term financial plan.
- 4.2 Members should note that, if the second round bid is successful, the delivery phase of the project is estimated to cost £8.388m of which £4.272m will be funded by the HLF and £2.8m is funded from DDC's reserves, as allocated in the MTFP. Additionally £210k has been secured from project partners and there is an allowance for volunteer time of £461k. The success of the HLF bid is reliant on securing external funding to close the funding gap of £644k. As part of the development phase, work will be carried out to ensure the gap is closed.
- 4.3 In the original bid it was proposed to fund two posts; a Community Engagement Officer and a Project Officer. For the revised bid it was agreed that the Project Officer post could be covered by existing DDC resources and removed from the bid saving £182k. This could create an additional pressure on DDC's revenue budget if additional resources are needed for the project in the future.

#### **5. Corporate Implications**

- 5.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comments to make.
- 5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 5.3 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> " (KM)

#### **6. Appendices**

- 6.1 Appendix A: HLF Grant Award Letter dated 3 July 2018.

#### **7. Background Papers**

- 7.1 None.

Contact Officer: Roger Walton Ext: 42420



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3<sup>rd</sup> July 2018

Our Ref. HG-17-08407

Kate Pinnock  
Dover District Council  
Council Offices  
White Cliffs Business Park  
DOVER  
Kent CT16 3PG

Dear Kate,

**Dover's Maison Dieu: Reawakening a Gothic Fantasy**

Congratulations, your application has now been assessed, and I am delighted to inform you that we have decided to award a first-round pass. I am also pleased to confirm that we will offer you a development grant of up to £427,400 00 (four hundred and twenty-seven thousand, four hundred pounds), 68% of the total eligible development work cost of £627,442.00 towards.

**Approved Purposes**

- The preparation of a second round application with all the required supporting documentation as detailed in the programme guidance

The percentage above is known as your 'grant percentage.' As your approved project costs include non-cash contributions and/or volunteer time, we have also calculated the percentage of cash that we will be contributing towards the project. We describe this as the 'payment percentage' and for your project this will be 68%. More information on this can be found within the 'Receiving a grant' guidance.

Part 1 of this letter sets out how we will work with you during the development phase of your project and what you need to do to develop your second-round application

Part 2 deals with the legal aspects of the development grant that we are offering. It refers to the standard terms of grant that you accepted when you completed the Declaration section of your online application.

Part 3 sets out the next steps

**Part 1 – How we will work with you**

**What does a first-round pass mean?**

A first-round pass means that we believe that your project has potential to deliver high-quality outcomes and value for Lottery money. Your application will have been in competition with other supportable projects, so a first-round pass is recognition that we value your proposals and want to have the opportunity to assess them in detail at the second round

A first-round pass does not guarantee that you will receive a grant. We receive more requests for grants than we can support, and your second-round application will still be in competition for funding. The total costs of your project may change during your development period, but if there is

any significant increase in your grant request at the second round this will have an impact on our judgement of the value for money your project offers

### **Your project's development phase**

You will need to develop your project in line with the proposals set out in your application and the key points to be addressed during the development phase set out below. We will contact you shortly to arrange a start-up discussion for your development phase, when we will agree a timetable for progress reporting, grant payment requests and for your second-round submission. More information on this can be found within the 'Receiving a grant' guidance.

Your second-round application can be sent in as soon as you have completed your development work and we have signed off your completion report on the development grant. **The deadline for us receiving your second-round application is 2<sup>nd</sup> July 2020.** If we have not received your full second-round application by then, your first-round pass will have lapsed and you will need to start a new first-round application if you wish us to consider your project again.

### **Keeping in touch**

The key points that need to be addressed in the working up of a second-round bid are all the required supporting documentation as detailed in the programme guidance and such other requirements as may be notified to you during the development phase.

During the development phase we will ask you to report on progress against these and on how you are doing in preparing the documents that you need for your second-round bid. This will help us to understand how well your plans are advancing and alert us to any issues affecting the timing of your second-round submission.

We will undertake a formal review of your progress when you have developed outline costs. This will usually be when your outline proposals are ready (RIBA work stage 2). Following this review, we will normally ask you to continue developing your project to the second round. Exceptionally, if your proposals have changed a lot, or your costs and grant request have increased significantly, and we consider they no longer represent value for money, we will ask our Board to consider your project again. If this is the case, we may reject your application at this point.

We will appoint a consultant to monitor your project and provide support in the following areas: project management monitoring of your development phase on our behalf.

We will let you know their name and contact details when appointed.

Please read the 'Receiving a grant' guidance. This forms part of the standard terms of grant for our development grant and requires you to

- obtain our permission to start your development phase,
- submit progress reports at a frequency agreed between us. As a minimum, you will normally submit a report with your 'Advance payment request form', if applicable,
- request your grant payments,
- provide a completion and evaluation report when you have finished the development work;
- procure goods, works and services in accordance with EC procurement regulations and the 'Receiving a grant' guidance.

The forms that you will need for requesting permission to start, requesting your grant and reporting your progress and completion should be **accessed and submitted via your online account**

([https://forms.hlf.org.uk/officeforms/HLF\\_Projects.ofml](https://forms.hlf.org.uk/officeforms/HLF_Projects.ofml)), in the same way that you supplied your application form.

## **Part 2 – The legal section**

### **Grantee name and address:**

Dover District Council  
Council Offices  
White Cliffs Business Park  
DOVER  
Kent  
CT16 3PG

**Project Reference Number:** HG-17-08407

### **Development Grant**

The attached Appendix sets out the approved costs to which the Heritage Lottery Fund (HLF) has agreed to contribute, along with the anticipated partnership funding

Please be aware that if you spend less on your development work than the approved development budget, we will reduce the final grant payable. Any reduction will be in proportion to HLF's grant contribution.

### **Standard terms of grant**

We will pay you the grant subject to you complying with our standard terms of grant which formed part of your application, the additional grant conditions (if any) set out below, and with the conditions and requirements set out in 'Receiving a grant'

### **Additional grant conditions**

In addition to our standard terms of grant, you must observe the following additional conditions in respect of the development work: None.

### **Grant expiry date**

You must complete the development activities and documents by 30 April 2020

### **Duration of the terms of grant**

The standard terms of grant and the additional grant conditions (if any) will last for two years from the date of this letter

The following documents define the development work for which the grant is offered

1. This letter
2. Your application dated 14 March 2018
3. Documents submitted by you in support of your application
  - The following correspondence:
    - Email Dated 16.4.18 from Kate Pinnock to Bridget Keegan
    - Email Dated 10.5.18 from Kate Pinnock to Bridget Keegan

### **Withdrawal of the grant**

We may withdraw the grant if

- You have already started your development work before we have given you our permission to do so, in accordance with the standard terms of grant.
- You do not start the development work within 6 months of the date of this letter
- For capital projects only, your project does not pass the review at RIBA/LI stage C. If your project is rejected at this point, we will withdraw the remainder of the development grant

### **Part 3 – Next steps**

You should read the following related documents:

- 'Receiving a grant' setting out our monitoring requirements – sent via email
- 'Standard terms of grant' – in hard copy with this letter and sent via email

Available online:

- 'How to acknowledge your grant' guidance online at <https://www.hlf.org.uk/running-your-project/acknowledging-your-grant/where-use-logo>
- 'Photography of HLF-funded projects. a guide for grantees' online at <https://www.hlf.org.uk/running-your-project/promoting-your-project>
- 'Promoting your project' online at <https://www.hlf.org.uk/running-your-project/promoting-your-project>
- 'Template press release' online at <https://www.hlf.org.uk/running-your-project/promoting-your-project>

### **Permission to start**

We will only give you our permission to start the development phase when certain pre-conditions, defined in the 'Receiving a grant' guidance, have been satisfied. For us to pay your grant requests by bank transfer (BACS), we need to see a copy of a recent bank statement (within the last three months), or a cheque or a paying-in slip for the relevant account, showing the bank's name and address. You will need to submit this with your 'Permission to start' form.

Please note that your 'Permission to start' form will be released to your online account within 3 working days of this letter. Please contact your Grants Officer using the contact details below if you need to access the form any earlier than this.

Bridget Keegan  
Senior Grants Officer

### **Publicity**

It is important to publicise your award to local media so that lottery players know where their money has gone. However, you must keep your award confidential until we have discussed and agreed your publicity plans. We will publish the fact that you have been awarded a development grant on our website within 10 days of the grant being awarded. Your Grants Officer can assist you with queries about publicity and the media and an online template press release is available which you may find helpful to issue to media once your publicity plans have been agreed.

Please also contact your Grants Officer as soon as possible to agree the most appropriate location and nature of HLF acknowledgment for your development phase grant. You must make sure you include our logo on any information you produce about your development work, for example, on

public consultation or fundraising information or materials. You must also include our logo on all designs or plans you produce, on all specialist reports or surveys, and on all tender documents that are funded by our grant. Please refer to the 'How to acknowledge your grant' guidance which explains how to do this.

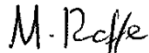
**Join our Online Community**

Did you know that we have an Online Community to connect people working on HLF-supported projects? It's a friendly and informal forum to ask and answer questions, share learning and network with other grantees and heritage professionals. You can find it on our website at <https://www.hlf.org.uk/community>. If you'd like to join in the discussions, simply log in with your existing HLF account username and password, or you can register a new account at [www.hlf.org.uk/user/register](http://www.hlf.org.uk/user/register). If you have any questions about the Online Community, please contact [onlinecommunity@hlf.org.uk](mailto:onlinecommunity@hlf.org.uk).

We wish you every success with your development phase, and look forward to receiving regular updates.

Please contact your Grants Officer if you have any queries arising from this letter.

Yours sincerely,



Michelle Roffe  
Head of Heritage Lottery Fund, South East England

## Appendix 1 – Approved project costs

### a) Development Phase costs

#### Development costs

Cost Heading	Description	Cost £	Vat £	Total £
Professional Fees	Consultant team for stages C-D, Activity Plan Consultant & specialist surveys	579,192	0	579,192
Contingency	10% allowance for additional surveys	28,250	0	28,250
Other costs (development-phase)	Interpretation consultant	20,000	0	20,000
<b>Total Costs</b>		<b>627,442</b>	<b>0</b>	<b>627,442</b>

### b) Development Phase income

#### Development income

Income Heading	Description	Secured	Total (£)
Local authority	Dover District Council Regen Fund	Yes	200,042
HLF Grant			427,400
<b>Total Income</b>			<b>627,442</b>

### c) Delivery Phase costs

#### Capital costs

Cost Heading	Description	Cost £	Vat £	Total £
Repair and conservation work	Base build incl. prelims & OHP	4,522,000	0	4,522,000
Other capital work	Reinstatement of decorative schemes, asbestos removal, FF&E	485,000	0	485,000
Other costs (capital)	Additional specialist surveys	45,650	0	45,650
Professional fees relating to any of the above (capital)	Design Team RIBA stages E-L	727,948	0	727,948
<b>Total Costs</b>		<b>5,780,598</b>	<b>0</b>	<b>5,780,598</b>

#### Activity costs

Cost Heading	Description	Cost £	Vat £	Total £
New staff costs	Community Engagement Officer	130,000	0	130,000
Training for volunteers	See Appendix 3 (Activity Plan) Annex A for details	66,240	0	66,240
Travel and expenses for	As above.	7,900	0	7,900

Cost Heading	Description	Cost £	Vat £	Total £
volunteers				
Other costs (activity)	As above	42,640	0	42,640
Equipment and materials (activity)	As above	183,180	0	183,180
Professional fees relating to any of the above (activity)	As above	268,800	0	268,800
<b>Total Costs</b>		<b>698,760</b>	<b>0</b>	<b>698,760</b>

#### Other costs

Cost Heading	Description	Cost £	Vat £	Total £
Contingency	At 15% of build cost	678,000	0	678,000
Inflation	1st QTR 17 to 1st QTR 18 4.4% + 1st QTR 18 to 2nd QTR 2020 6 8% based on BCIS	769,255	0	769,255
Volunteer time	£150/day (average rate between professional and unskilled)	461,850	0	461,850
<b>Total Costs</b>		<b>1,909,105</b>	<b>0</b>	<b>1,909,105</b>

#### d) Delivery Phase income

##### Delivery income

Income Heading	Description	Secured	Total (£)
Local authority	DDC Regen Fund	Yes	2,800,058
Other public sector	Dover Town Council	Yes	200,000
Private donation - Trusts/Charities/Foundations	Dover Society	Yes	10,000
Other fundraising	See Funding Strategy at Appendix 5a	No	644,055
Volunteer time	See Appendix 3 (Activity Plan) Annex B	No	461,850
HLF Grant			4,272,500
<b>Total Income</b>			<b>8,388,463</b>

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<b>Subject:</b>	<b>GRANT SCHEME FOR PROPERTY RENOVATIONS</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b>
<b>Report of:</b>	<b>Mike Davis, Director of Finance, Housing and Community</b>
<b>Portfolio Holder:</b>	<b>Councillor Mike Conolly, Portfolio Holder for Corporate Resources and Performance</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To introduce a grant scheme to support commercial buildings in the town centres of Dover, Deal and Sandwich being brought back into use or being upgraded and improved and to work in tandem with other initiatives to improve the high streets.

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**Recommendation:** That Cabinet:

1. Approve the outline Grant Scheme for Property Renovations (GSPR) as set out in this report.
2. Authorises the Directors of Finance, Housing and Community and Environment and Corporate Assets, acting in consultation with the Leader of the Council, to establish the detailed operation and terms and conditions of the scheme, and to make amendments to the scheme as required in the light of experience; and
3. Authorises the Director of Finance, Housing and Community to administer and operate the scheme.

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## 1. Summary

1.1 This report explains how Business Rates are applied and mitigated for small businesses and develops a proposed grant scheme for qualifying properties (vacant and / or in poor condition) in the agreed areas (within Dover, Deal and Sandwich Town Centres) to incentivise and support investment in those properties and encourage businesses to move into them with the objectives to:

- (a) Support small and local businesses in these properties
- (b) Improve the properties' appearance
- (c) Bring "long term" empty properties back into use and improve properties in poor condition.
- (d) Improve the retail offer
- (e) Create local employment opportunities
- (f) Complement and be consistent with the use of s215 of the Town and Country Planning Act 1990.
- (g) Work with KCC to improve the street scene and to complement the KCC "No Use Empty" scheme.
- (h) Dovetail with the "Mean While" space at the former Co-op site to assist entrepreneurs in testing ideas and products and moving into the high street.
- (i) Complement, but not duplicate or replace existing schemes



- (j) Make business advice available to small businesses.

## 2. Introduction and Background

- 2.1 The Council is committed to the regeneration and development of its high streets. That commitment does not end with the St James' scheme, nor does it end in Dover itself.
- 2.2 On 31st January Council resolved, inter alia, that:

*“Dover District Council explore the possibilities of operating an incentive scheme to aid small businesses in Dover’s Town Centre (from Bench Street to the Maison Dieu) in order to help them benefit from the developing DTIZ with a report back to Cabinet.*

*This scheme should look at:*

- a. How business rates are applied*
- b. Relocation to a more advantageous position in the town.*
- c. Appointing a Small Business Advisor”*

- 2.3 This report has been produced to discharge the Council resolution and to introduce a simple and practical scheme to provide grants to assist small businesses and to improve the offer on the high streets in the agreed areas through the renovation of commercial properties in poor condition.

## 3. BUSINESS RATES FOR SMALL BUSINESSES

- 3.1 Business Rates (BR) are levied in accordance with the national scheme. The Rateable Values (RV) of premises are determined by the Valuation Office Agency (VOA) and then the “rate in the pound” is set by government and applied to the RV.
- 3.2 The RVs were meant to be recalculated by the VOA every 5 years, the most recent revaluations being in 2010 and then in 2017. Revaluations are meant to be “fiscally neutral” overall. So the multiplier set by government is adjusted so that when applied to the total RV for England, the income generated is the same after the revaluation as it was before. Within this overall arrangement, the RVs in some areas will have gone up, and in other areas may have gone down.
- 3.3 The Chancellor’s Spring Statement on 13 March announced that the next valuation will be brought forwards one year to 2021 and they will then be three yearly with the following revaluation in 2024. In broad terms the 2017 revaluation saw a general reduction in RVs in the Dover district, but with some sectors, such as public houses, generally seeing an increase.
- 3.4 Businesses are able to appeal against their RVs. Although there are still appeals outstanding from the 2010 revaluation, a new system call “Check, Challenge, Appeal” was introduced for the 2017 valuation. This has seen rates of appeal fall by circa 90%. DDC, working with the Dover Chamber of Commerce provided a breakfast Business Network briefing to Dover businesses to assist them in understanding their RV and also how to appeal, should they wish to do so.
- 3.5 The BR system also includes a wide number of reliefs, of which the most significant is Small Business rates Relief (SBRR).
- 3.6 The current arrangements for SBRR relief are:

- a. Units with RV below £12,000 – no BR charged (Provided the ratepayer occupies no other premises with RV over £2,899 and the total RV of combined properties does not exceed £20,000).
- b. Units with RV between £12,000 and £18,000 – BR charged on a sliding scale from 0% to 100% (Provided the ratepayer occupies no other premises with RV over £2,899 and the total RV of combined properties does not exceed £20,000)
- c. Other BR reliefs – mandatory charity relief at 80% if the premises are wholly or mainly used for charitable purposes.

3.7 In addition, the Council can award discretionary relief to other BR payers. The most frequent recipients of discretionary relief are charities, with up to 20% in additional discretionary relief in addition to the 80% mandatory relief. In all past revaluations there has also been transitional relief so that those businesses facing a significant increase do not have to do so all in one year.

3.8 Other reliefs include Enterprise Zone Relief, reliefs for rural public houses and post offices and local newspapers.

#### 4. GRANT SCHEME

4.1 The grant scheme below has been developed to improve the appearance, occupancy and use of vacant and run down properties in Dover, Deal and Sandwich high streets.

##### Geographic Scope

4.2 The Council resolution only applied to Dover Town Centre. However it is proposed to extend this to any qualifying properties within the defined town centres of Dover, Deal and Sandwich on the District Council's Adopted Policies Map (2015). Please see maps at Annexes 1, 2 and 3 for the defined areas in Dover, Deal and Sandwich respectively.

##### Current Situation

4.3 The Town Centre Surveys, commissioned by Planning and summarised at Annexes 5, 6 & 7, show the specific vacant units at the time of the survey and show the levels of vacancy as :

(As at 31 March 2018)	Dover	Deal	Sandwich
% of vacant properties in primary frontages	13.88%	3.12%	3.46%
Number of vacant properties	45	10	6

4.4 The vacancy rate in Dover is slightly higher than the national average of 11.2%. Deal and Sandwich are consistently below the national average (as calculated in the Experian Retail Planner Briefing Note 15, December 2017).

4.5 The Council has completed a Retail and Leisure Study which has amongst other matters considered the extent of the Town centre boundaries and Primary and Secondary Shopping Frontages for Dover, Deal and Sandwich. The geographic boundaries of this scheme may be amended to reflect any change in the boundaries as a result of the retail and leisure study.

4.6 Without extensive surveys it is difficult to establish precise reasons for specific retail units remaining empty. One of the key trends that has impacted on the whole retail

sector and shopping patterns over the last decade has been the growth internet shopping. The value of internet sales is estimated to be £55.1bn (at current prices). This represents an increase from £42.1bn in 2015 and a +13% increase from £48.9bn recorded in 2016 – please see Retail and Leisure Study on DDC’s intranet for further information.

- 4.7 Other factors will generally include:
- a. Natural churn – there will always be a level of vacancy associated with changes in owner or tenant.
  - b. The size, layout and condition of the unit compared with modern requirements
  - c. Location within the shopping area
  - d. Trends in shopping patterns
  - e. Rents – as set by the owner and influenced by market forces
  - f. Business Rates – set by government
  - g. Overall footfall in the area
  - h. Competitive pressures
- 4.8 The Council’s ability to exercise control over many of these factors is limited. However it can seek to exercise beneficial influence over some of them. In particular:
- a. Business Rates – the Council already operates various BR reliefs as set out above.
  - b. Footfall – the development at St. James and the work to link the new development with the “old town” including the “Mean-While” project on the former Co-op site and this proposed grant scheme are all intended help boost footfall in the high street, which is already showing an increase of circa 60% following the start of trading at St.James.
  - c. Size, layout and condition of the unit – the proposed grant scheme is intended to assist local businesses in making currently empty shops into viable units for the future.

#### Existing Scheme

- 4.9 The Kent Empty Property Initiative (KEPI, also referred to as “No Use Empty”) is a loan scheme operated by KCC and is intended to bring unused commercial and residential properties into a suitable condition for immediate occupation as dwellings. The full scheme is available on the KCC web site and there is also a direct link from the DDC web site (<https://www.dover.gov.uk/Housing/Private-Sector-Housing/Empty-Homes.aspx>).
- 4.10 Dover’s new scheme is intended to apply only to commercial properties that are being upgraded for commercial use. Therefore it does not duplicate or compete with the KEPI scheme. Applicants could not apply to both schemes for the same project elements, although the DDC scheme may be used for a shop frontage with KEPI used for residential accommodation above.

#### New Grant Scheme for Property Renovations (GSPR)

- 4.11 The final details of the scheme will be produced in consultation with the Leader. An indication of how the scheme may operate is set out at Annex 10, but in summary, the scheme is intended to provide assistance in improving the ground floor interior and the front elevations of high street commercial premises with grants of up to £10,000.

#### Assessment of Applications

- 4.12 Each application will be reviewed by a working group of officers who will consult the Portfolio holder(s) and make recommendations to the Director of Finance, Housing and Community on the applications. It is proposed to assess applications on a monthly basis.
- 4.13 Applications will be reviewed on a case by case basis, but proposed factors to be taken into consideration will include:
- a. The property must be within the designated areas
  - b. The prominence and condition of the property
  - c. How long the property has been empty
  - d. The plans for the subsequent use of the property
  - e. The suitability of the proposed works and finishes, taking into account the property itself and neighbouring properties
  - f. The suitability of the business proposal taking into account the supply of similar businesses in the area.
  - g. Evidence of the availability of funds for the entire proposed works, in order to complete the renovation.
  - h. Any other relevant factors that become apparent in the operation of the scheme.

#### Scheme Promotion

- 4.14 It is anticipated that the scheme will be promoted by:
- a. Press release on the day of launch.
  - b. DDC website.
  - c. Invest in Dover website.
  - d. Contacting the owners of empty properties in the defined areas.
  - e. Liaison with the Chamber of Commerce and other stakeholders.
  - f. Liaison with the three Town Councils for the defined areas.

#### Commercial Property Conversions to Residential Use

- 4.15 For proposals to convert commercial properties into residential units, the Council supports KCC's KEPI scheme as set out above and therefore does not intend to duplicate it with this scheme.

### **5. Identification of Options**

- 5.1 There are three options:
- a. Implement the scheme as proposed – this is the preferred option.
  - b. Implement an alternative scheme.
  - c. Do not implement a scheme.

### **6. Evaluation of Options**

#### Implement the Scheme as Proposed

- 6.1 Many high streets are facing the challenge to maintain footfall and sales. An essential part of this is the quality of the experience for shoppers and that includes the quality of the built environment and the suitability for the businesses in occupation.

6.2 Although DDC cannot influence or control all factors within the high street, it can complement other schemes and assist small businesses and others in improving the condition of retail premises and the visual environment.

6.3 The proposed scheme complements the KCC KEPI and makes potential grants available to a significant number of businesses within the Dover, Deal and Sandwich high street areas. For these reasons, this is the preferred option.

#### Implement an Alternative Scheme

6.4 There are many minor changes which could be made to the proposed scheme that would not materially alter it. However a genuinely alternative scheme would need to provide significantly larger or smaller grants or operate in different areas.

6.5 Taking these alternatives would mean that either too few businesses could be helped, or the amounts available would be insignificant. Targeting different localities would mean that the primary shopping areas, the high streets, would not be assisted.

6.6 For these reasons this option is not recommended.

#### Do not implement a scheme

6.7 Failing to implement a scheme means that no businesses are assisted and carries the risk that high street businesses decline, with the consequential impacts on local communities.

6.8 For these reasons this option is not recommended.

### **7. Resource Implications**

7.1 The maximum grant(s) per property (excluding any payments for business advisers) is £10k in any 5 year period. It is proposed to use additional one-off income for DDC from the 2018/19 "Kent Business rates 100% retention pilot". This is currently projected to be £500k, but if less, then the reduced amount will be the funding cap for the scheme.

7.2 This additional income has not been included in the 2018/19 budget as its receipt will not be confirmed until April/May 2019 when the Business Rates receipts from all districts in Kent are known and the shares of any gains from the pilot can be calculated.

7.3 The probability of receiving these additional receipts from the BR pilot is high, but it is not guaranteed. This is not intended to delay implementation, but the scheme may be paused or closed if the £500k appears less certain or if resources have been exhausted.

### **8. Corporate Implications**

8.1 Comment from the Section 151 Officer: The S151 officer has been involved in the production of this report and has no further comments to add (MD).

8.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted and has no further comments.

8.3 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>

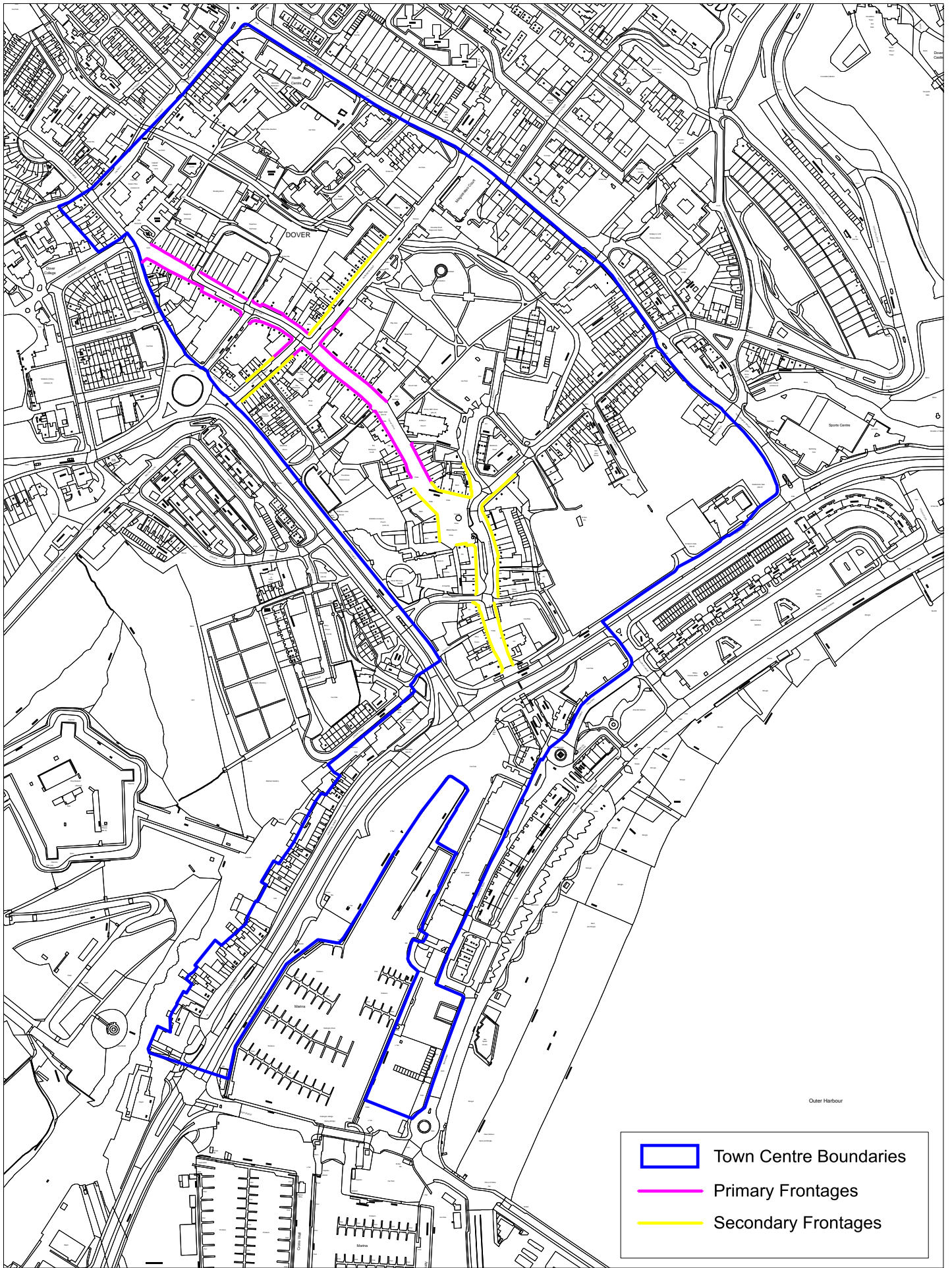
### **9. Attachments**

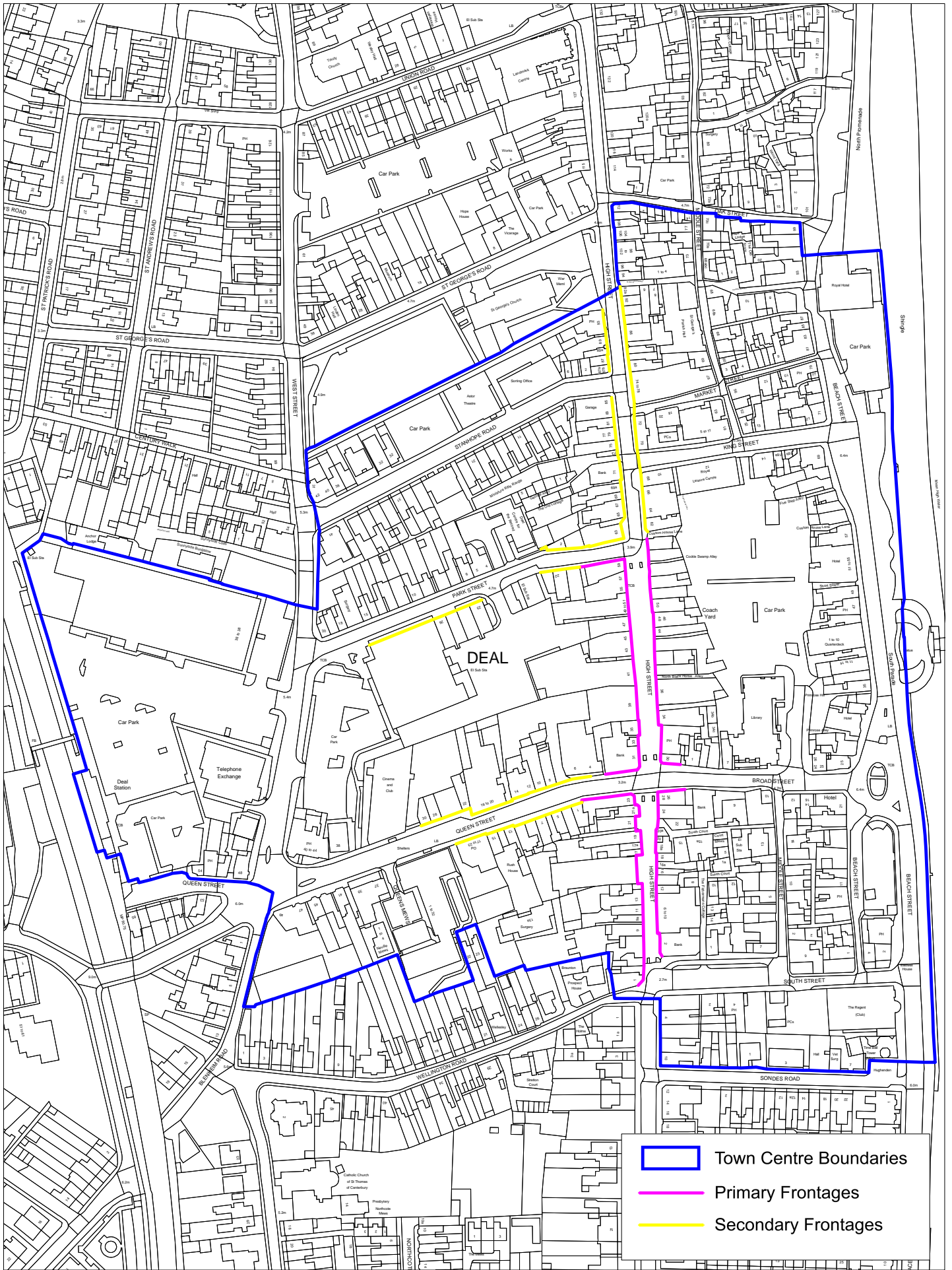
9.1 Annex 1 – Dover Town Centre – Bench Street – Maison Dieu




- 9.2 Annex 2 – Deal Town Centre
- 9.3 Annex 3 – Sandwich Town Centre
- 9.4 Annex 4 – Indicative Extract from VOA listing, of properties with RV in the range £9,500 - £18,500
- 9.5 Annex 5 – Town Centre Vacancy - Dover
- 9.6 Annex 6 – Town Centre Vacancy – Deal
- 9.7 Annex 7 – Town Centre Vacancy – Sandwich
- 9.8 Annex 8 – Proposed Scoring Matrix for Grant Awards
- 9.9 Annex 9 – Draft Application Pro Forma
- 9.10 Annex 10 – Indicative Scheme
- 10. **Background Papers**  
None.

Contact Officer: Mike Davis

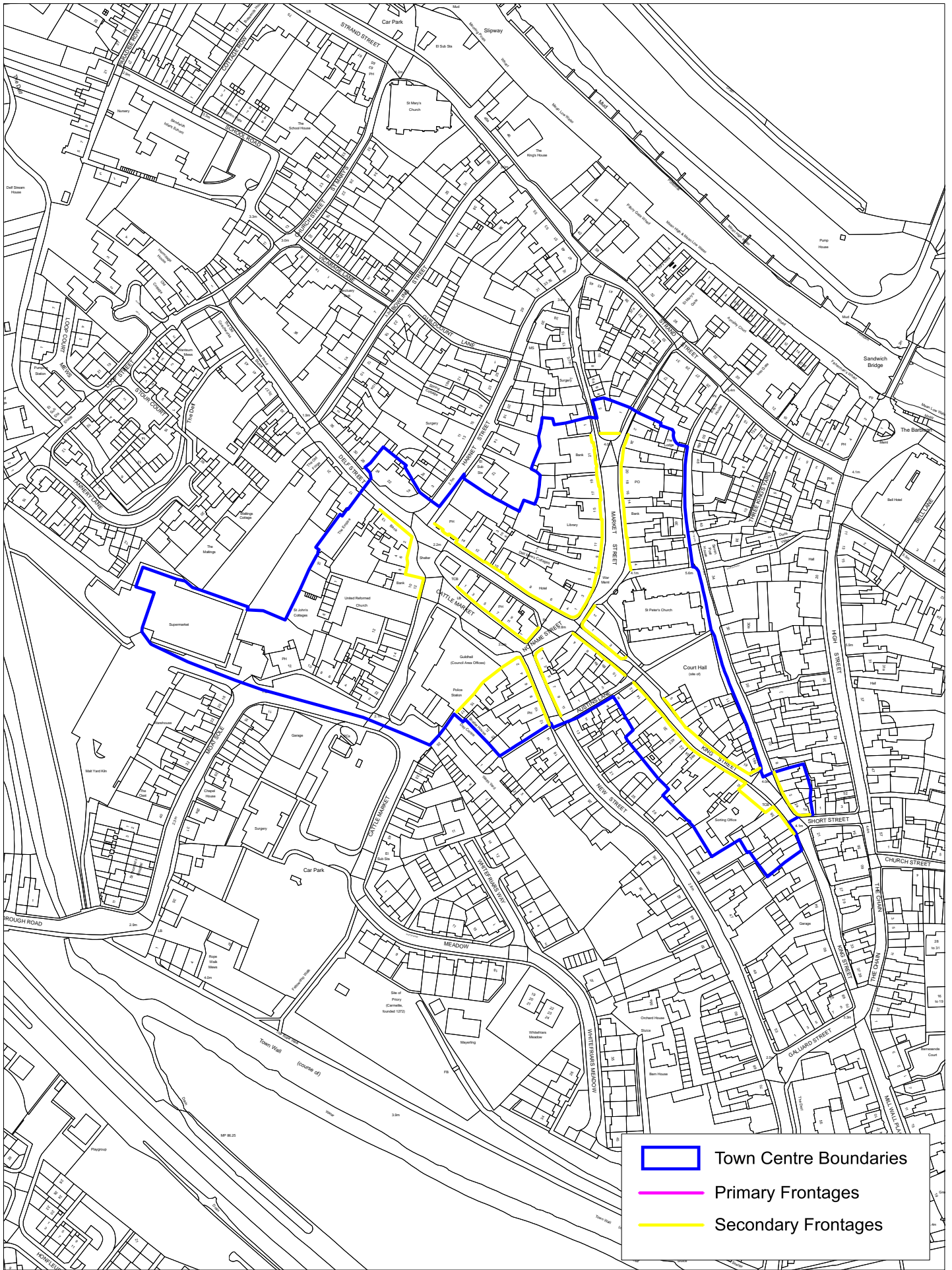
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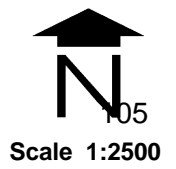


-  Town Centre Boundaries
-  Primary Frontages
-  Secondary Frontages





	Town Centre Boundaries
	Primary Frontages
	Secondary Frontages



**Indicative Extract from VOA listing, of properties with RV in the range £9,500 - £18,500**

<b>M<sup>2</sup></b>	<b>RV</b>	<b>Property description</b>	<b>Property</b>
142.3	18,500	Shop And Premises	71 Biggin Street
278.5	18,250	Shop And Premises	23 Cannon Street
218.6	16,750	Shop And Premises	48 Biggin Street
323.7	16,500	Offices And Premises	77 Biggin Street
114.6	14,500	Shop And Premises	52 Biggin Street
124.7	14,500	Shop And Premises	53 Biggin Street
154.48	14,500	Shop And Premises	1-2 King Street
234.8	14,500	Shop And Premises	5 King Street
208.7	14,250	Shop And Premises	9 Biggin Street
84.68	13,500	Shop And Premises	21 Cannon Street
194.5	12,750	Offices And Premises	1ST FLR 5-7 Bench Street
164	12,750	Shop And Premises	2 Cannon Street
130.3	12,500	Shop And Premises	8-9 Cannon Street
74.44	12,000	Shop And Premises	21 Biggin Street
123.2	12,000	Shop And Premises	54 Biggin Street
86.38	12,000	Restaurant And Premises	Ground Floor & Basement, 10 King Street
125.6	11,750	Hairdressing Salon & Premises	7 Biggin Street
125.75	11,750	Shop And Premises	8 Biggin Street
43.29	11,500	Shop And Premises	51 Biggin Street
97.45	11,500	Shop And Premises	55 Biggin Street
194.5	11,250	Offices And Premises	3rd Flr 5-7 Bench Street
124.57	11,250	Shop And Premises	3 Biggin Street
193.2	11,000	Offices And Premises	2nd Flr 5-7 Bench Street
117.7	10,750	Shop And Premises	21A Cannon Street
128.6	10,250	Shop And Premises	5-7 High Street
93.2	9,900	Shop And Premises	75 Biggin Street
110	9,900	Shop And Premises	Gnd Floor 3 Cannon Street
85.32	9,700	Shop And Premises	76 Biggin Street
32	9,600	Shop And Premises	61 Biggin Street
157.3	9,600	Shop And Premises	18 Cannon Street
112.4	9,500	Shop And Premises	37 Biggin Street

This extract gives an indication of Rateable Values and size of units in the High Street area.

## Town Centre Vacancy – Dover

Shopping Survey - March 2018				
Street Number	Road Name	Last known use	Classification	Comments
Atina House 5 -7	Bench Street	Vacant Offices	Secondary shopping frontage	
8	Bench Street	Vacant retail	Secondary shopping frontage	
8a	Bench Street	Vacant retail	Secondary shopping frontage	
11	Bench Street	Vacant/SG	Secondary shopping frontage	
15 (ground floor)	Bench Street	Vacant retail	Secondary shopping frontage	
9	Biggin Street	Vacant	Primary shopping frontage	
27	Biggin Street	Vacant	Primary shopping frontage	
31	Biggin Street	Vacant	Primary shopping frontage	
32	Biggin Street	Vacant	Primary shopping frontage	
43	Biggin Street	Vacant	Primary shopping frontage	Change from A1 to vacant since last survey August 2017
51	Biggin Street	Vacant	Primary shopping frontage	
52	Biggin Street	Vacant	Primary shopping frontage	
53	Biggin Street	Vacant	Primary shopping frontage	
59	Biggin Street	Vacant	Primary shopping frontage	
62	Biggin Street	Vacant	Primary shopping frontage	
68-70	Biggin Street	Vacant	Primary shopping frontage	Change from hot food takeaway to vacant since last survey
2-6	Cambridge Terrace	Vacant	Town Centre Boundary	
7-9	Cambridge Terrace	Vacant	Town Centre Boundary	
5 & 6	Cannon Street	Vacant	Primary shopping frontage	

23	Cannon Street	Vacant	Primary shopping frontage	
27 (first floor)	Castle Street	Vacant	Town Centre Boundary	
28	Castle Street	Vacant	Town Centre Boundary	Planning app received for COU to residential
43	Castle Street	Vacant	Town Centre Boundary	
50	Castle Street	Vacant	Town Centre Boundary	
55 to 61	Castle Street	Vacant	Town Centre Boundary	
9	Church Street	Vacant	Town Centre Boundary	Change from A1 printing shop to vacant since last survey
9	King Street	Vacant	Secondary shopping frontage	
12	King Street	Vacant	Secondary shopping frontage	
8	Maison Dieu	Vacant	Town Centre Boundary	Change from C2 residential home to vacant since last survey
7	Market Square	Vacant	Secondary shopping frontage	Change from A3 to vacant since last survey
7	Park Place	Vacant	Town Centre Boundary	Change from A4 to vacant since last survey
1-7	Pencester Road	Vacant	Town Centre Boundary	Change from D1 (Magistrates Court) to vacant since last survey
20-22	Pencester Road	Vacant	Secondary shopping frontage	
38	Pencester Road	Vacant	Secondary shopping frontage	Change from Bookmaker (SG) to vacant since last survey
5	Priory Street	Vacant	Town Centre Boundary	
10	Priory Street	Vacant	Town Centre Boundary	
115	Snargate Street	Vacant	Town Centre Boundary	Change from supermarket

				(A1) to vacant since last survey
131	Snargate Street	Vacant	Town Centre Boundary	
134-135	Snargate Street	Vacant	Town Centre Boundary	
144	Snargate Street	Vacant	Town Centre Boundary	Change from retail (A1) to vacant since last survey
145	Snargate Street	Vacant	Town Centre Boundary	
9	St James's Street	Vacant	Town Centre Boundary	
5&7	Worthington Street	Vacant	Secondary shopping frontage	
10	Worthington Street	Vacant	Secondary shopping frontage	
13	Worthington Street	Vacant	Secondary shopping frontage	
<b>Total Vacant Units in Town Centre</b>	<b>45</b>		<b>Vacancy Rate for Units in Town Centre 13.88%</b>	
The vacancy rate for the town centre units has been calculated as follows: Number of vacant units in town centre/overall number of town centre units x 100 (45/324x100)				
<b>Total Vacant units in Primary/Secondary Shopping frontages</b>	<b>25</b>		<b>Vacancy Rate for Units in Primary &amp; Secondary Shopping frontages 15.72%</b>	
The vacancy rate in the primary & secondary shopping frontages has been calculated as follows: Number of vacant units/overall number of units in the primary & secondary frontages x 100 (25/159x100)				
The vacancy rate in the primary and secondary shopping frontage is the statistic we quote in the AMR and it can be seen that the rate has increased slightly from 15.28% (AMR 2016/17) to latest survey in March 2018 - 15.72%				

## Town Centre Vacancy – Deal

Shopping Survey March 2018				
Street Number	Road Name	Last known use	Classification	Comments
The Regent	Beach Street	Vacant	Town Centre	
67	Beach Street	Vacant	Town Centre	
10	Broad Street	Vacant	Town Centre	
16a	High Street	Vacant	Primary	Change from A1 retail (Connect U) to vacant since last survey
16a	King Street	Vacant	Town Centre	Change from A1 retail to vacant since last survey
22	Park Street	Vacant	Secondary	
24	Park Street	Vacant	Secondary	Change from retail to vacant since last survey
22	Queen Street	Vacant	Secondary	Change from retail to vacant since last survey
6	St Georges Passage	Vacant	Town Centre	Change from retail to vacant since last survey
2	Stanhope Road	Vacant	Town Centre	Change from retail to vacant since last survey
Total Vacant Units in Town Centre	10		Vacancy Rate for Units in Town Centre 3.12%	
The vacancy rate for the town centre units has been calculated as follows: Number of vacant units in town centre/overall number of town centre units x 100 (10/320x100)				
Total Vacant units in Primary/Secondary Shopping frontages	4		Vacancy Rate for Units in Primary & Secondary Shopping frontages 3.70%	
The vacancy rate in the primary & secondary shopping frontages has been calculated as follows: Number of vacant units/overall number of units in the primary & secondary frontages x 100 (4/108x100)				

The vacancy rate in the primary and secondary shopping frontage is the statistic we quote in the AMR and it can be seen that the rate has increased slightly from 2.83% (AMR 2016/17) to latest survey in March 2018 - 3.70%

## Town Centre Vacancy – Sandwich

Shopping Survey - March 2018				
Street Number	Road Name	Last known use	Classification	Comments
10-12	Cattle Market	Vacant	Secondary	
10	Delf Street	Vacant	Secondary	
12	Delf Street	Vacant	Secondary	
24a	Market Street	Vacant	Secondary	
2	Potter Street	Vacant	Secondary	
6	St Peters Street	Vacant	Secondary	
Total Vacant Units in Town Centre	6		Vacancy Rate for Units in Town Centre 3.46%	
The vacancy rate for the town centre units has been calculated as follows: Number of vacant units in town centre/overall number of town centre units x 100 (6/173x100)				
Total Vacant units in Primary/Secondary Shopping frontages	6		Vacancy Rate for Units in Primary & Secondary Shopping frontages 7.22%	
The vacancy rate in the primary & secondary shopping frontages has been calculated as follows: Number of vacant units/overall number of units in the primary & secondary frontages x 100 (6/83 x100)				
The vacancy rate in the secondary shopping frontage is the statistic we quote in the AMR and in the case of Sandwich remains unchanged from the AMR as we have the same amount of vacant units.				



### Indicative Scoring Matrix

The scoring matrix has been developed in two sections. The first comprises “Qualifying Criteria”. All applications will be expected to pass this.

The second section is “Application Score”, where the factors are assessed and scored. Applications will need to score more than xx (*“pass” score to be determined*) to be successful.

The relevant portfolio holders will be consulted on the assessments, scores and proposed decisions, before the decisions are confirmed to applicants.

#### Factors to Take into Consideration

Number	Factor	Yes or No?
1	Is the property in the specified areas.	
2	More than 10 years old.	
3	Vacant or not trading for a significant period.	
4	Will the owner accept a charge on the property in relation to the grant.	
5	Is finance for the works in place (or reasonably expected to be so)?.	
6	Are the costs reasonable and quotes provided.	
7	Is the grant less than 50% of the whole job cost.	
8	All required permissions obtained / in the process of being obtained / reasonably expected to be obtained.	
9	Design, colours etc suitable for property and location.	
10	Are the lease arrangements adequate to warrant the grant?	

#### Application Score

Number	Factor	Score 1 - 5	Weighting Factor 1 - 3	Weighted Score
1	How long has the property been empty?		3	
3	How prominent. Low 1, Medium = 3, High = 5		2	
4	Quality of proposed design and finishes. Fair=1, Good=3, Excellent=5.		2	
5	Likelihood of Success Consider business plan, number of new jobs, finance secured. Fair=1, Good=3, High=5		3	
6	Does the business proposal bring a new offer to the area, or repeat existing offers by other businesses? Existing offer=1, unusual offer=3, unique / special=5		3	

Proposed Application Pro-Forma

Name of applicant	
Business address	
Address of property for which a grant is sought.	
Value of grant sought	
Basis of tenure: lease / freehold / other (specify)	
If leasehold, please provide copy of lease and copy of landlords consent for the works and name and address of landlord.	
If freehold, please provide evidence of ownership.	
Current condition of property (please also supply photos)	
Description of works proposed.	
Cost of works proposed (please provide copies of quotes)	
Proposed business to operate from the premises.	
Please feel free to contact Jayne Miles at DDC, tel no....., e-mail ..... if you have any queries or need further information or advice.	
When completed please return to ..... Applications will be assessed	

on a monthly basis and a written decision provided.	
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## Indicative Scheme

### Grants

1. The scheme is for the improvement of empty commercial premises within the areas indicated in the maps at Annexes 1, 2 and 3.
2. Grants of up to a maximum of £10,000 will be available towards the external renovation or improvement of the ground floor and upper floors of the front elevations of the building, internal fit-outs and conversion. This grant will cover up to 50% of the cost up to a maximum of £10,000.
3. Additional grants of £500 will be available for specialist business support or consultancy for those companies making an application for the main grant.
4. For grants of between £5,000 and £10,000, the applicants must provide evidence of at least 2 quotes for the particular work they wish to receive the grant for, so that best efforts are made to ensure best value is being considered. For grants below £5,000 a single quote will be acceptable.
5. Grant applications should be made in advance of the commencement of works.
6. If a grant has been approved, it will be paid upon receipt of evidence of expenditure (eg VAT invoices) and satisfactory inspection of the works, and in the proportion of the loan to the total project costs. The final £1,000 will be withheld until satisfactory completion of the works.

### Types of Work

7. Repair and reinstatement of all or any part of the front elevation of the retail unit including, but not restricted to:
  - a. fixtures that are visible from the street, including the first and second floors of the premises.
  - b. Repainting of shop fronts in suitable colours
  - c. Signage
  - d. External lighting
  - e. Security grilles and/or security glazing<sup>1</sup>
  - f. Professional fees associated with the development and delivery of the project, including planning application fees, consultancy fees and advisory services.
  - g. Repair of external stonework and brickwork
  - h. Repair and reinstatement of guttering and down-pipes
  - i. Internal fit-outs to shops and business premises

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<sup>1</sup> See guidance on security shutters <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/SecurityMeasuresforRetailandCommercialPremises.pdf>

### Other Considerations

8. The scheme is not intended for assisting new build properties. It is intended for established properties. Therefore, as a minimum, they must be at least 10 years old.
9. The grant is available to freeholders, and also leaseholders, generally with at least 5 years lease to run on the lease at the anticipated conclusion of the works.
10. All works must have any required permissions including planning permission and permission from the freeholder.
11. DDC staff or their agents will be allowed to inspect the works and see all relevant documentation.
12. Consideration will be given to securing the grant by way of guarantee, legal charge etc. Enforcement of the charge will be considered if the lease is ended early, or the property changes hands in the five year period or if the property is empty for a total of more than 4 months in any 12 month period.
13. Approved grants will remain available for a period of 12 months from the date of approval. Should practical completion not be achieved within this timescale, a further application will be required for any outstanding grant to be approved.

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<b>Subject:</b>	<b>'STEPPING STONES' – APPLICATION TO THE INTERREG CHANNEL PROGRAMME</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b>
<b>Report of:</b>	<b>Richard Haynes, Natural Environment Manager</b>
<b>Portfolio Holder:</b>	<b>Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health</b>
<b>Decision Type:</b>	<b>Non-Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To seek Cabinet approval to be the applicant and lead partner in a c. £450,000 bid to the Interreg Channel Programme for Micro Project focusing on increasing the skills of local people in the countryside and parks and opens spaces sector.

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**Recommendation:** That Cabinet agrees for Dover District Council to be the applicant and lead partner in the above project and, if successful, agrees to accept the offer of grant funding.

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## 1. Summary

One of the priorities of the Up on the Downs Partnership's legacy work was to focus on projects to increase the skills of local communities, within the context of the environment and heritage sectors. Initial scoping work has led to the development of a cross-channel partnership and the preparation of an application to the Interreg Channel Programme for a Micro Project – Stepping Stones – up to the value of c. £450,000. If successful, the project will provide training and personal development for people from disadvantaged backgrounds in the Dover district.

## 2. Introduction and Background

2.1 Please see appended report - *Stepping Stones Micro Project Risk Report* the PowerPoint *Stepping Stones Micro Project*.

## 3. Identification of Options

3.1 Option 1 – not to authorise the application to the Interreg Channel Programme for the Stepping Stones project.

3.2 Option 2 – to authorise the application to the Interreg Channel Programme for the Stepping Stones project but not to accept any subsequent grant offer to deliver the project.

3.3 Option 3 - to authorise the application to the Interreg Channel Programme for the Stepping Stones project and to authorise officers to accept any subsequent grant offer to deliver the project.

## 4. Evaluation of Options

4.1 Option 1 – this is not recommended as it would miss an opportunity to benefit some of our residents from disadvantaged backgrounds with minimal risk to or investment

from DCC. It would also cause some reputational damage with the partnership that's been developed.

4.2 Option 2 – this is not recommended as it makes no sense.

4.3 Option 3 – this is the recommended option as it will allow DDC/WCCP to lead a positive project in the district that will not only benefit residents but provide resilience to the White Cliffs Countryside Partnership (WCCP) core team.

## 5. **Resource Implications**

5.1 If the application is successful, WCCP will receive 8,000 euros as reimbursement for time given to the application process.

5.2 If successful all services and capital purchase will be funded at 80% by Interreg, with new and existing staff time funded at 95%.

5.3 The bulk of our proposed budget will be existing staff time, meaning we will get 95% of their salary paid, mostly for work, more or less, they already do.

5.4 It is anticipated that the project will be cost neutral to WCCP but any deficit incurred would be met by WCCP reserves.

5.5 As lead partner, DDC will not be liable for any default etc. by the other partners.

## 6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: The Section 151 Officer and the Accountancy Section have been consulted on the report and have no further comments to add. (LS)

6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments 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>

6.4 Other Officers (as appropriate): None.

## 7. **Appendices**

Appendix 1 – Stepping Stones Micro Project Risk Report

Appendix 2 – Stepping Stones Micro Project

## 8. **Background Papers**

Contact Officer: Richard Haynes - ext 42130



# Up on the Downs

## Stepping Stones Micro Project Risk Report

1<sup>st</sup> August 2018





This report has been prepared by Up on the Downs on behalf of Dover District Council.

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1<sup>st</sup> August 2018



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## 1. Introduction and background

### 1.1. A legacy for Up on the Downs

The Up on the Downs Landscape Partnership has now completed the delivery of its Heritage Lottery Funded project in the Dover and Folkestone area. The next phase of work involves looking at the legacy of the partnership. To achieve this an Up on the Downs Futures Steering Group was established to guide further work. This led to two documents that detail how activities might be prioritised.

Taking the Next Step (a short 8 page summary):

<https://www.uponthedowns.org.uk/Documents/Resources/Up-on-the-Downs-Taking-the-Next-Step.pdf>

Taking the Next Step - A Prospectus for Continued Partnership Working (a more detailed document): <https://www.uponthedowns.org.uk/Documents/Resources/Taking-the-Next-Step-A-prospectus.pdf>

As part of this process, members of the Up on the Downs Futures Group and members of the wider partnership involved in the delivery of Up on the Downs were invited to put forward projects to be developed. These projects were prioritised at two workshops held in November and December 2017. One of the most popular projects put forward was one that increased levels of skill within those that were furthest from the labour market.

### 1.2. What is Stepping Stones?

An opportunity was identified to apply for Interreg funding through the Channel programme to provide training opportunities for those that are furthest from the labour market whilst allowing Dover District Council (DDC) to meet some of its objectives as an organisation (primarily White Cliffs Countryside Partnership (WCCP) and Parks and Open Spaces.)

With the help of one of Kent County Council's very experienced European funding team we have recruited project partners and developed an application. All of the activities will fall into three work packages:

1. Countryside Engagement (delivery of John Muir Awards in UK and France – WCCP delivering up to 100 awards over two years)
2. Countryside Skills (delivery of week-long training programmes – WCCP at least 10 programmes plus 8 short-term 2 month contracts for those that progress through training)
3. Evaluation of project and production of prospectus that shows value of the project.

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The ultimate outcome of the project will be to trial new ways of providing routes to the workplace and providing evidence to:

- referring organisation that the results that can be achieved are both worthwhile and value for money
- partner organisations that changes in recruitment and engagement of people furthest from the labour market can be changed

More detailed information can be found in the PowerPoint presentation entitled 'Stepping Stones Micro Project'.

This document is designed to help identify some of the risks that DDC will be taking and putting them into context. This will be done as a series of questions.

### 1.3. What are the risks?

Who are the partners?

Canterbury Christ Church University  
Les Blongios  
CPIE  
The Bay Trust

Who is the Lead Partner?

Dover District Council

How big is the project?

Up to €500,000 – probably at least €450,000

How much of the cash is coming Dover's way?

Yet to be finalised but approximately £150,000

What is the intervention rate?

The project is 80% funded though staff time is effectively funded at 95%. By using the funding to pay for existing staff it could actually lead to a surplus for WCCP.

How long does the project last for?

27 months with 24 months of project delivery – starting spring 2019

Is European funding secure after Brexit?

Yes, or at least the UK government has said that it will honour any European funded projects that are approved before the UK leaves the EU.

What is the risk of being Lead Partner?

The lead partner is responsible for preparing the application – this cost is covered by Up on the Downs

The lead partner is responsible for claims and co-ordinating other partner's activities – we will have a part-time member of staff to do all of this

What is the financial risk to DDC?

Minimal – if you don't do the work you don't get paid. Any partner can pull out

DDC is not responsible for the work of other partners

If other partners don't deliver then they don't get paid. DDC does not get penalised.

Is there a formal partnership?

Yes, there is a standard partnership agreement that most projects use without amendments (e.g. KCC use this) though this will be shown to the legal team at DDC and additional clauses can be added.

What about De Minimis state aid?

Good question!! Dover will need to declare if it has received De Minimis state aid and how much. We are looking into this but shouldn't be a problem.

Will this cause financial difficulties for WCCP?

It shouldn't. As the project is 80% funded and it will pay for existing staff the project should create a net financial gain. Staff that are used to deliver can be backfilled by creating additional posts.



LANDSCAPE PARTNERSHIP SCHEME

# Stepping Stones – Countryside Skills

## An Interreg funded micro project



[www.uponthedowns.org.uk](http://www.uponthedowns.org.uk)

# Stepping Stones

A two year project (hopefully 2019 & 2020) with two French partners and two English partners

- CCCU (England Centre for Practice Development)
- The Bay Trust
- Les Blongios
- CPIE (Centre Permanent d'Initiatives pour l'Environnement Val d'Authie)





# Stepping Stones - Summary

Skills based project that aims to bring the most socially disadvantaged closer to the labour market. It does this by providing a natural progression route:

1. Countryside Engagement (John Muir Awards)
2. Countryside Skills Training
3. Evaluation and Prospectus



# Countryside Engagement

Delivering John Muir Awards to those furthest from the labour market

1. The Bay Trust and WCCP delivering in UK
2. CPIE and Les Blongios trialling in France with assistance from UK partners

WCCP involvement

- 100 JMAs (60 Discover, 40 Explorer)
- £30,000 staff time, £4,000 equipment



# Countryside Skills

40 training programmes across all partners

WCCP involvement

- 10 training programmes (week long training programmes)
  - gaining experience of conservation work attending tasks
  - Specific training requests (e.g. Folkestone Town Sprucers)
  - Groups around High Meadow
  - Chainsaw and brushcutter courses for the best!



# Countryside Skills

- 8 short-term contracts (2 months) offered to those hand picked after training programmes. They will be chainsaw and brushcutter trained. Two cohorts of 4 each doing winter site management
- £25,000 staff time (organising training programmes and supervising short-term contracts), £25,000 for short-term contracts, £13,300 for external training, £7,000 for equipment

Must all be from socially disadvantaged groups



# Evaluation and Prospectus

Primarily delivered by CCCU

- Evaluation of all projects, evidencing value, impact on participants etc.
- Creation of prospectus that can be given to potential clients
- Workshops presenting results



# Interreg – isn't that an administrative burden?

It does have its challenges – but.....

- WCCP will be employing an administrator to do all of the paperwork (it won't land on Sue's desk)
- It's much easier than it was during Landscape and Nature for All
- 80% intervention rate
- Will cover costs of existing staff



# What happens next?

- Draft application ruminated on by partners
- Approval sought from WCCP staff and DDC hierarchy
- Application in October 2018
- Start early 2019



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<b>Subject:</b>	<b>PERFORMANCE REPORT – QUARTER 1, 2018/19</b>
<b>Meeting and Date:</b>	<b>Cabinet – 10 September 2018</b> <b>Scrutiny (Policy and Performance) Committee – 11 September 2018</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor Mike Conolly, Portfolio Holder for Corporate Resources and Performance</b>
<b>Decision Type:</b>	<b>Non-Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To monitor performance against key objectives.
<b>Recommendation:</b>	The Council's Performance Report and Actions for the 1st Quarter 2018/19 be noted.

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## 1. Summary

The Council's Performance Report for the 1st Quarter 2018/19 reports on performance against key performance targets throughout the Council, East Kent Shared Services and East Kent Housing during the first quarter. It incorporates comments from each Director on performance within their directorate plus any key initiatives and concerns they may have.

## 2. Introduction and Background

- 2.1 Monitoring of performance against key targets is key to the achievement of the Council's aims and objectives. The Performance Report provides a summary of the Council's key performance figures for the 3 months to 30 June 2018.
- 2.2 The Performance Report contains information relating to the performance of the Council against key corporate indicators and considers the performance of a range of indicators against previous year's performance.
- 2.3 The Performance Report identifies areas where performance is on track throughout the first quarter of 2018/19, whilst recognising the need for further improvements in some areas. Each Director provides additional commentary focussing on areas of high or low performance.
- 2.4 The report highlights a significant drop in the number of homeless cases where we accept a duty to rehouse. This is due to the new Homelessness Reduction Act (The Act) introduced in April this year. The Act structures how a Local Authority deals with households who approach with a homelessness issue. If they are not actually going to be homeless within 56 days we have a 'Prevention Duty' to try and avoid the household becoming homeless. If we are unable to prevent the homelessness or if the household is homeless at the point they approach the council, we have a 'Relief Duty' to try and relieve their homelessness. This lasts for a further 56 days and may or may not include providing them with temporary accommodation. MHCLG guidance suggests that those cases moving into the relief stage (and those who



approach at the relief stage i.e. actually homeless), should not be accepted as being owed a homelessness duty until the end of the 56 days as it may divert the focus away from trying to relieve the homelessness. This accounts for the drop in acceptances between the introduction of the Act in April 2018 and the end of the quarter in June. The majority are legacy cases where homeless applications were taken prior to 1 April and decisions were subsequently made.

2.5 A section is included to show performance within the Shared Services against key indicators. A more comprehensive set of indicators for EK Services, including Civica, and East Kent Housing are monitored through the monitoring structures established by the Agreements under which those services are delivered, with any areas of significant concern being capable of escalation into this quarterly monitoring report, if required.

### 3. **Identification of Options**

3.1 Not applicable.

### 4. **Resource Implications**

4.1 None.

### 5. **Corporate Implications**

5.1 Comment from the Section 151 Officer: The Director of Finance, Housing and Community has been consulted in the preparation of this report and has no additional comments to add. (HL)

5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

5.3 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> ‘

### 6. **Appendices**

Appendix 1 – Q1 Performance Report

### 7. **Background Papers**

None.

Contact Officer: Michelle Farrow, Head of Leadership Support

# Dover District Council Performance Report For the Quarter Ending – 30 June 2018

## Introduction

- Summary of Performance Indicators

## KEY

▲	Improved performance
▶	Maintained performance
▼	Decline in performance

Status	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Direction of Travel to previous Qtr
	No.	%	No.	%	No.	%	No.	%	
Green	21	68%							▼
Amber	6	19%							▼
Red	4	13%							▼
Total	31	100%							

## Shared Services Performance

### EK Services & DDC Digital

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
ACC011	Percentage of on-line payments to cash and cheque	89%	Data for information only	90%				90%		▲	N/A
EKS01d	Percentage of incidents resolved within agreed target response time - ICT	97.50%	95%	96%				96%		▼	Green

## EK Services & DDC Digital

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
EKS02d.1	Percentage of incidents resolved within 1 working day	76%	60%	69%				69%		▼	Green
EKS02d.2	Percentage of incidents resolved within 3 working days	86.75%	80%	83%				83%		▼	Green
EKS04d	Percentage availability of email service	99.96%	97.50%	100%				100%		▶	Green
PLA005	Percentage of electronic planning applications received	82.05%	80%	76.79%				76.79%	435	▼	Amber
WEB001	Percentage availability of the corporate website (DDC responsibility)	99.95%	99.50%	100%				100%		▶	Green
WEB002	Number of Keep me Posted subscriptions	74,413	N/A	8,264				8,264		▼	N/A
WEB003	Facebook subscribers	5,908	N/A	6,063				6,063		▲	N/A

### EKS Director's Comments

#### Performance:

Performance in quarter 1 for "incidents resolved" met targets set whilst slightly below the 2017/18 outturn figures. Performance levels will be monitored throughout the year

## EK Services & DDC Digital

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
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### Key Initiatives/Outcomes:

Nothing to report for Q1

### Concerns/Risks

Nothing to report for Q1

## Civica

### Benefits

<b>KPI01-D (was EKS13d)</b>	Pay benefit quickly	6.27 days	8.5 days	5.96 days				5.96 days		▲	<b>Green</b>
<b>KPI02-D (was EKS14d)</b>	Percentage of correct Housing Benefit and Council Tax Benefit decisions	99.54%	96%	96.95%				96.95%		▼	<b>Green</b>

**Council Tax**

<b>KPI03-D (was EKS18d)</b>	The percentage of council taxes due for the financial year which were received in year by the authority.	97.87%	97.80%	29.08%				29.08%		N/A	N/A
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**Business Rates**

<b>KPI04-D (was EKS19d)</b>	Percentage of Business Rates collected	99.02%	98.20%	30.60%				30.60%		▲	Green
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**Customer Services**

<b>KPI06-D (was EKS026d)</b>	Average call waiting time in seconds	1 minute 28 seconds	90 seconds	77 seconds				77 seconds		▲	Green
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**Civica Comments**

**Performance:**

Strong performance across nearly all Key Performance Indicators (KPIs) with no concern over ultimate annual performance. Customer Services built on improvements generated through direct transformation and benefitted from significantly reduced contact as a result of transformation within Revenues and Benefits. During June call wait times achieved 37 Seconds (77 Seconds YTD) against a target of 90 seconds. Call handling to East Kent Housing continued to improve and performance exceeded historic target for the first time in many months.

The collection of Council tax during June was just below target, largely caused by month end falling over a weekend. £81K of payments made by customers at the end of June did not credit accounts until July. With those payments taken into account Dover was 0.08% below target. The team are confident that the year end collection is not at risk.

**Key Initiatives/Outcomes:**

Using an idea already in place in another Civica site, we have developed a 'link sender' to assist customers struggling to find information on the websites. Rather than talk the customer through the website navigation, they can now be instantly sent a link to their destination page within an email, thereby reducing call handling time and maximising the changes of the transaction being completed digitally. This is currently live in Dover.

Preparation for the single person discount review is completed and is scheduled to start in July 2018.

The New Homes Bonus project is underway and letters were due to be sent out mid-July.

The 'Accelerate Recover Team' (ART) is now actively processing cases relating to Council Tax arrears and the Housing Benefit Overpayment project is well underway.

**Concerns/Risks:**

Nothing to report for this quarter.

## EK Housing

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
EKHL1	Average time taken to re-let council dwellings	13.71 days	15 days	18.58 days				18.58 days		▼	Red
EKHC2	Rent arrears as % of annual debit	2.35%	2.50%	2.89%				2.89%		▼	Red
EKHC3	Former tenant arrears as % of annual debit	0.73%	0.50%	0.84%				0.84%		▼	Red
EKHD1	Total current tenant arrears (including court costs)	£466,344	N/A	£562,672				£562,672		▼	N/A
EKHD2	Average current tenant arrears per rented unit	£97.17	N/A	£118.96				£118.96		▼	N/A
EKHD3	Total former tenant arrears (including court costs)	£144,542	N/A	£163,813				£163,813		▼	N/A
EKHD4	Amount of former tenant arrears written off	£9,242	N/A	£0.00				£0.00		▲	N/A
EKHM1	Percentage of total responsive jobs completed on time	99.59%	98%	98.39%				98.39%	1347 of 1369	▼	Green
EKHM5	Percentage of properties with a valid gas safety certification	99.90%	100%	99.85%				99.85%	4040 of 4046	▼	Amber

### East Kent Housing Director's Comments:

#### Performance:

- Re-let times have increased due to higher levels of work required to clear/repair properties before bringing them back into use. Of the 18.58 calendar days to re-let non-Major Work voids, an average of 17.12 calendar days were spent carrying out these necessary works.
- Current tenant arrears continue to be affected by the roll-out of Universal Credit (UC) across all of the districts. At the end of June, Dover had 476 full UC cases constituting £265,242 of the total arrears. The roll-out of UC has an impact in terms of the length of time it takes to manage UC cases as well as on the level of resources needed to manage all arrears cases, including former tenant arrears.

## EK Housing

- Responsive repairs performance has dropped slightly, but remains in target
- Gas safety performance has not met target for the quarter, although all overdue properties now have a valid LGSR or are currently not occupied.

### **Key Initiatives/Outcomes:**

We have been closely monitoring the impact of Universal Credit (UC) on arrears in order to understand both the cost (the proportion of the arrears that are UC cases) and the impact on resources (how much additional time it takes to manage UC cases). Targets for 2018/19 (2.50% of annual debit) make allowances for the additional time, resources and delays caused by UC, but still remain challenging.

Of the overall arrears of £562,672, £265,242 directly relates to the 476 households who are now in receipt of full Universal Credit. A further £9,806.12 relates to 16 households that are due to move onto full UC in the coming weeks/months and £31,793 are court costs. Although the time taken to assess each individual UC claim is different the published assessment period is some 4- 6 weeks.

### **Concerns/Risks:**

The roll-out of Universal Credit has been our over-riding concern with regard to income generation and support for tenants. This is going to have an increasing impact throughout 2018/19 as numbers of cases increase and the benefit continues to be rolled out. The additional resource required for UC cases also has an indirect impact on our ability to manage other, more traditional arrears cases. For this reason the level of arrears are likely to remain high as a reflection of the new system in place.

We are also closely monitoring our contractor arrangements in respect of LGSRs; new measures of performance and independent scrutiny are being put in place to ensure the service meets the standards expected, and greater efforts made to ensure all works are completed on time.



## Finance, Housing & Community

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
ACC004	Percentage of invoices paid on time	96.56%	91.50%	98%				98%	2154	▲	Green
CSU001	Percentage of ASB cases resolved within 30 days	100%	98%	100%				100%	63	▶	Green
HOU010a	Number of households living in Temporary Accommodation including B&B	89	90	96				96		▼	Amber
HOU010b	Number of households in bed & breakfast (The data provided in HOU010a and b shows the number of households on the last day of the quarter.)	24	20	27				27		▼	Red
HOU011	The number of households presenting as homeless where a duty to re-house is accepted	173	N/A	17				17		▲	N/A
HOU012	The number of children in B&B and nightly paid	131	N/A	134				134		▼	N/A
PSH007	Number of DFG applications completed (for information only)	66	N/A	30				30		N/A	N/A
PSH008	Percentage of completed DFG applications approved within 10 working days from receipt of application	91.30%	N/A	87%				87%		▼	N/A

### Finance, Housing & Community Director's Comments:

**Performance:** The number of households in temporary accommodation and Bed & Breakfast are slightly above target, however the impact of the Homelessness Reduction Act has not yet stabilised and it is not possible to provide a reliable projection of position by year end. The budget, in terms of spend in Temporary Accommodation, is expected to be in budget

## Performance Summary – General Fund, HRA and Capital

### Performance:

#### General Fund Revenue Budget

- As at 30<sup>th</sup> June 2018 the General Fund is projecting a surplus of £148k, an improvement of £49k on the original budgeted surplus of £99k, as shown in the table below:

<b>General Fund Budget Monitoring Summary to 30<sup>th</sup> June 2018</b>	<b>£000</b>	<b>£000</b>
<b>Original budget deficit</b>		<b>(99)</b>
Property Services - Building surveyor (part year) and Technical Support Officer posts – awaiting identification of project funding	47	
EKHR & Payroll - Estimated savings from re-working opening budget position	(43)	
Waste - Recycling - extra garden waste income, less minor increase in waste admin costs	(35)	
Investment income - Additional income due to slightly improved returns from investments in Pooled Funds and assumption that maturing gilts will be placed in such funds	(14)	
Other net variances – favourable	(4)	
<b>Total Variances – favourable</b>		<b>(49)</b>
<b>Projected budget deficit</b>		<b>(148)</b>
Balances Brought Forward		(2,527)
<b>Projected Year End Balances</b>		<b>(2,675)</b>

- Homelessness – the figures assume that savings arising from completion of the Folkestone Road properties, 11 HRA buy-back purchases and general reduction in B&B / nightly paid numbers and durations will be sufficient to meet the £200k savings target included in the original budget. Therefore there is currently no net impact on the budget (pressure or saving) within the first quarter's figures. However, please see the "Concerns/Risks" section below.
- The use of the Housing Initiatives Reserve and the 1:4:1 monies (retained right-to-buy receipts) is underway to increase the stock of properties within the HRA, particularly of properties that could be used to provide interim accommodation to homeless people.
- The Treasury Management returns are currently marginally exceeding budget and, assuming the £1.9m of UK Gilts maturing in July 2018 are also re-invested in pooled funds, we are currently forecasting a small favourable result for the year (£14k General Fund).
- Income from green/garden waste is currently expected to exceed budget due to increased subscription levels (£38k favourable).
- At the time of compiling this report, we were still awaiting first quarter figures for Business Rates from EKS. Figures will be reviewed for the 2<sup>nd</sup> quarter and income adjusted as required.
- Parking income will be fully reviewed for the 2<sup>nd</sup> quarter to determine whether changes to budget assumptions (with less Sunday charging than budgeted and free parking at St. James) may be compensated by the good summer and people being out and about more and parking in the district generally.

## Housing Revenue Account

- The HRA balance at 30 June 2018 is estimated to be £1,012k, reflecting a movement from an expected surplus for the year of £5k reported at the beginning of the year to a surplus of £0k expected for the year as at the end of June:

<b>HRA Budget Monitoring Summary to 30 June 2018</b>	<b>£000</b>	<b>£000</b>
<b>Original budget surplus</b>		<b>(5)</b>
Reduction of external decoration budget due to termination of contract.	(165)	
Increased transfer to Housing Initiatives Reserve	170	
<b>Total Variances – adverse</b>		<b>5</b>
<b>Projected budget surplus</b>		<b>0</b>
Balances Brought Forward		(1,012)
<b>Projected Year End Balances</b>		<b>(1,012)</b>

## Medium Term Capital Programme

- Within the capital programme, all projects approved to proceed are fully financed, and there are no significant project overspends. The main changes in the Medium Term Capital Programme are shown below:

<b>Capital Budgets (30th June 2018)</b>	<b>Current year £000</b>	<b>Total Cost of Programme £000</b>
<b>Position as at 30<sup>th</sup> April 2018</b>	<b>82,935</b>	<b>278,006</b>
Phasing changes following adjustments made to the timing of projects to reflect the final 2017/18 outturn and the 2018/19 forecasts.	(757)	-
Projects completed in 17/18 ; including £21,742k for Property Investment Strategy acquisitions and £2,986k for grant issued to Discovery Park	-	(25,585)
<b>Total Capital Programme – position as at 30th June 2018</b>		

## Concerns/Risks:

- The implementation of the new Homeless Reduction Act in April 2018 has resulted in an initial increase in homeless applications to the council and the new process has various stages of responsibilities that may result in changes to the figures moving forward. The position is being continuously monitored and will be reported further in future reports.
- Appeals and public inquiries against planning decisions are occurring more regularly and can be expensive and time-consuming to resolve. While money is set aside in reserves for the ongoing costs of prior year appeals, these may not be sufficient to fund new appeals arising or unexpected additional costs. It is under discussion whether specialist planning and legal advice in relation to the resubmitted planning application for Western Heights, alongside prospective appeals against the final decision in respect of it, as well as a further public inquiry re Abbey Homes can be partially funded from contingency, as costs for these may be as high as £300k.

- Additional planning resource has been engaged, currently funded from reserves (including from excess planning income), which is likely to create a future pressure, as the specific earmarked reserves are now being depleted.
- Investment income remains under pressure from low interest rates and uncertainty following the Brexit vote. In 2017/18 the Council made investments in Diversified Income Funds (pooled funds) to offset the impact of reducing interest rates on bank deposits, money market funds and loans to other local authorities. This continues to enable us to increase returns for current and future years.
- Business Rates (BR) income remains volatile and complex to calculate, and is subject to changes arising from: the 2017 revaluation; the level of successful appeals; the profiling of Enterprise Zone relief given; the levels of claims for Small Business Rates Relief and other reliefs; and fluctuations in estimates of 'business rates growth' due to the scale or timing of regeneration projects.
- BR income is subject to on-going pressure from unresolved appeals and, from 2017/18, the impact of the 2017 revaluation by VOA. There are £27.4m approx. in rateable value of appeals outstanding at 31<sup>st</sup> May 2018 against 2010 valuations, including the addition of Dover Harbour Board (DHB) for the first time (RV £5.24m). The top 10 appeals account for 93% of this value (£25.6m). Early indications suggest the DHB appeal is against a £10k alteration only, but further clarification is being sought. There will also be further appeals against the 2017 valuation list.
- Business Rates growth may be slower than forecast and impacted by lower RVs than originally estimated by VOA, affecting our retained income. Progress at St. James is positive and ongoing, but some units remain unlet and, alongside fit-out times, attract empty rates exemptions for 3 months. The budget allowed for a full year's income from all units, but reduced to 90% to be cautious. However, final RVs of 3 occupied units have come in lower from VOA than expected, leading us to revise the total RV of St. James downwards from £2,438k to £1,901k, equating to a reduction in full year income of £1/4m (£100k DDC share @ 40%). No changes are currently included for the first quarter's income, but the situation will be reviewed for Q2.
- There are also upside risks in respect of business rates, such as the favourable impact of being in the pilot scheme, and the positive impact of changes to occupancy at Discovery Park, improving the levels of Enterprise Zone relief and its compensatory grant from Central Government. These are in the process of being reviewed, although the final retained income from the pilot scheme is now interdependent on the results of the other Kent authorities.
- Separately a 'Business Rates & Council Tax' reserve has been established to help smooth out the impact of changes in BR income and the timing of its recognition under statute.
- Please see the main Budget Monitoring report for further details of current issues and their mitigation.

### **Key Initiatives/Outcomes:**

Work is underway to tackle the costs associated with homelessness, short term accommodation placements and the shortage of housing stock (see General Fund section above), and to identify additional funding for the potential costs of Western Heights and Abbey Homes specialist planning advice, legal costs and appeals/inquiries (see Concerns/Risks above). Otherwise, the projected outturns for General Fund, HRA and Capital Programme do not indicate the need for corrective action in 2018/19. Where appropriate the variances identified will be taken into account in the 2019/20 – 2022/23 MTFP and will continue to be monitored during subsequent years.

## Governance

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
GOV001	Number of working days/shifts lost due to sickness absence per FTE	6.35 days	N/A	1.78 days				1.78 days		▼	compare to Q1 2017/18
GOV002	Number of working days/shifts lost due to long term sickness absence over 10 days per FTE	3.16 days	N/A	1.11 days				1.11 days		▼	compare to Q1 2017/18
LIC005	The percentage of licensed premises inspections completed by target date	49.50%	80%	100 %				100%	40	▲	Green
LIC006	The percentage of unopposed licensing and permit applications processed within 5 working days	97.50%	75%	99%				99%	247	▲	Green
ENH005	Percentage of complaints regarding nuisance responded to within 5 working days	98.50%	95%	99%				99%	269	▶	Green
ENH012	Number of Fixed Penalty Notices issued for litter	1781	N/A	296				296		N/A	N/A
ENH013	Percentage of stray dog enquiries responded to within target time.	99.75%	95%	100 %				100%	62	▶	Green
ENH015	Number of Fixed Penalty Notices issued for dog fouling	11	N/A	5				5		N/A	N/A
ENH016	Number of Envirocrime prosecutions completed	113	N/A	85				85		N/A	N/A

### Governance Director's comments

#### Performance:

The Regulatory Services team have worked hard to maintain their performance across the board in the last quarter. However, in particular the Licensing team have managed to achieve a 99% performance rate in relation to LIC006 (The percentage of unopposed licensing and permit applications processed within 5 working days) despite the fact the 2 experienced Technical Support Officers are on maternity leave until March 2019. The inexperienced staff providing maternity leave cover picked up the procedures very quickly.

## Governance

During 2017/18 there were a total of 5 applications made and approved for the use of Covert Surveillance in accordance with the Regulations of Investigatory Powers Act and 3 applications for communications data. All applications were relating to investigations into fly tipping incidents within the District. There have been no applications made during the first quarter of this year.

### Key Initiatives/Outcomes:

The Envirocrime Team continue to successfully enforce litter, dog fouling and fly tipping, with a number of successful prosecutions during the quarter. During Q1, the new GDPR requirements have continued to be rolled out across the Council with a corporate privacy notice and over a dozen service specific privacy notices introduced, with accompanying strap lines. Updated retention schedules are now in place for nearly all services and a new subject access request form has been developed. The Council website has been updated to reflect the latest legislation and information.

The Council's apprenticeship programme continues to be rolled out, with four new apprenticeships post approved for Accountancy, Financial Services, Legal Services and Community Services during the quarter. Work continues with EKHR to identify future opportunities across the Council. A number of work placements have also been agreed or are being currently considered which will be delivered during the summer months or throughout the 18/19 school terms.

The Local Government Boundary Commission for England published its draft recommendations on the new ward boundaries for the district and is consulting from 5 June to 13 August on its draft proposals.

### Concerns/Risks:

This Council has been particularly successful in creating apprenticeship opportunities, which includes a detailed work programme and mentor for each post, linked to a registered training provider. The Council has met its Government Target for the number of apprentices for 17/18, but has still not spent all of its levy pot and if not utilised within two years, this will be recovered by the Government. Therefore innovative apprenticeship training and development solutions are being explored to help upskill staff, whilst legitimately spending the levy pot.

Division	FTE @ 1 April 2018	(Leavers)/ Joiners/ Transfers	FTE @ 30 June 2018
Chief Executive	37.13	-1	36.13
Governance	46.3	+2	48.30
Finance, Housing and Community	45.10	-1	44.10
Environment and Corporate Assets	93.03	+1	94.03
HR & Audit	26.59	+0.85	27.44
<b>Total Staff FTE</b>	<b>248.15</b>	<b>+1.85</b>	<b>250</b>

## Environment & Corporate Assets

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
PKG003	Number of PCNS issued	17,433	N/A	3794				3794		N/A	N/A
MUS002	The number of visits to the museum in person per 1,000 population	229.11	200	69.48				69.48		▲	Green
WAS003	Number of collections missed per 100,000 collections of household waste.	3.75	15	5				5		▼	Green
WAS010	Residual household waste per household	339kg	350kgs	365kgs				365kgs		▼	Amber
WAS011	Household waste sent for reuse, recycling or composting	49.50%	50%	48%				48%		▼	Amber
WAS012	Environmental cleanliness: Percentage of streets containing litter	6.75%	5%	6%				6%		N/A	N/A
WAS013	Environmental cleanliness: Percentage of street containing detritus	14.25%	10%	23%				23%		N/A	N/A

### Environment & Corporate Assets Director's comments

#### Performance:

Performance against PI's remains consistent with and broadly on track to achieve targets. As regards project work, which is a key part of the work of the Directorate, there has been good progress across all service areas as noted in the following paragraphs. The success of the HLF bid for funding for Maison Dieu was particularly welcome and construction of the new Dover District Leisure Centre remains on track and on budget.

Recruitment to the roles of Strategic Tourism Manager and Transport & Parking Services Manager is well advanced which will help to strengthen capacity within these service areas.

## Environment & Corporate Assets

### Key Initiatives/Outcomes:

#### Parking

The Parking services team continued to be directly managed by the Director through Q1, but is now under the day to day management of the Head of Operational Services pending the appointment of the Transport and Parking Services Manager. Consultations have been undertaken on proposals to extend resident parking zones to Beechwood Avenue, Deal, and Priory Hill, Priory Grove & The Abbots, Dover, and work is in hand to put the agreed controls in place.

The Council has been advised by Sainsbury's that they wish to terminate the long standing agreement with the Council to manage the store's car park in Deal from early August 2018. It is understood that they are transferring responsibility for many of their car parks to Horizon Parking who will be operating a similar parking regime enforced with ANPR cameras.

The agreements with English Heritage for the Council to manage the car parks at Walmer Castle and Deal Castle have now been completed and charging was introduced in June/ July. The Council provides enforcement services and manages the P&D machines and collects the cash which is repaid to English Heritage.

#### Museum & Tourism

The plans to strengthen the Council's role in supporting the local tourism economy are advancing well. The new post of Strategic Tourism manager has been advertised, with interviews held in mid-July. Once the new appointee takes up the post, work can commence in earnest to develop the new Tourism Strategy, which it is intended will be ready for approval early next year.

The Council is working with Kent CC on their project to revamp the Discovery Centre which is now gathering pace as this provides a potential opportunity to deliver benefits for the Dover Museum as the project develops.

#### Waste Services

The review of future service provision undertaken in partnership with the other East Kent authorities working with KCC and supported by the consultants Ricardo continues to progress. The study is being led by Dover DC with the initial work seeking to model options for the development of the current collection scheme to inform discussions with EK Leaders and Chief Executives. Proposals for investment in infrastructure such as the potential for an East Kent MRF and options to simplify bulking arrangements are also being scoped out. A Cabinet report will be made later in the year to provide an update on progress as the current contract with Veolia is due to end in January 2021 and decisions will be needed over the coming few months both in terms of the service methodology and whether the existing partnership with Folkestone & Hythe DC is to continue.

At a national level, the management of waste and especially recycle continues to attract headlines. It is understood that the Government intends to publish a draft Recycling & Waste Strategy later this year for consultation, linking in with the EU Circular Economy Package, which it is understood the UK intends to adopt.



## Environment & Corporate Assets

### Parks & Open Spaces.

This has been a challenging few months for the in-house team, with the wet Spring, which encouraged grass growth immediately followed by of the driest June/ July periods on record. Maintaining grassed areas to standard through April and May is often a challenge and this years' experience was exceptional although standards were generally maintained. In contrast, from June onwards grass cutting has been suspended across the District allowing the team to focus on other tasks. Winter bedding, planted for the first time for some years provided excellent displays through Easter and beyond and once established, and requiring constant watering, summer bedding has similarly attracted much positive comment.

The White Cliffs Countryside Project continues to build relationships with partners and volunteers under the new leadership provided by Richard Haynes, strengthened to some extent by the success of the HLF funded Up on the Downs project, which ends this year. The HLF project at Kearsney continues to progress with the contract for construction of the café about to be awarded.

Overall the team are performing well and delivering the service as envisaged back in 2016. A set of Key Performance Indicators for the Grounds Maintenance service is being developed with the Portfolio Holder to enable effective monitoring of the service.

### Assets, Corporate Property & Building Control

The team is engaged on a wide range of corporate projects and continues to adjust work plans to respond to competing priorities. Details are as follows:

Recently completed:

- Dolphin House, Dover: Garage/riverside improvement works – completed July 2018
- 91.93.95 Folkestone Road refurbishment –, completed May 2018
- Zeebrugge Bell, High Street elevation and cannons at Maison Dieu refurbishment & improvements to cemetery.
- Market Square, Aylesham; Fit out of new shops completed July 2018.
- Transfer of existing Dover Leisure Centre from Your Leisure to Places for People
- Resubmission of HLF bid for Maison Dieu, Dover. Decision – Round One bid successful.
- Civica lease for part of Whitfield Offices- completed July 5<sup>th</sup>

At delivery stage:

- Deal Pier refurbishment – following the discovery of a gas leak, which necessitated a closure of the pier, a number of programmed works were brought forward to eliminate the need for future closures. These comprised, replacing the gas main, a major overhaul of the pumped drainage system, repainting of entrance gates and railings to the stem, (including replacing sections with severe corrosion), and resurfacing. Contracts for replacement seating and lower deck repairs have been let. Works will take place over next couple of months
- Dover District Leisure Centre; New construction – good progress on site, 'topping out' has taken place, with work progressing fast internally.
- Tides Leisure Centre refurbishment; Preparation of business case and replacement of M&E equipment as interim measure. Tenders for works being assessed.
- Deal Pier restaurant, procurement of new tenant- heads of terms have been negotiated over the past 3 months and awarding of new lease is expected in

## Environment & Corporate Assets

August.

- Refurbishment of Norman Tallyour House, Deal – currently out to tender.
- Resurfacing of Middle Street and Union Road car parks (including removal of redundant recycling facilities) - out to tender.
- Adjustments to roundabout adjacent to Tesco (planning condition related to the new leisure centre)– out to tender.

At preparation stage:

- Purchase of Housing properties (1-4-1 monies) – 3 properties completed in July 2018. There are 5 further properties where Legal have been instructed and 2 awaiting authorisation to proceed.
- New housing development; William Muge/ Snelgrove, Dover – Planning application submitted 19<sup>th</sup> July, decision expected October 2018, tender documentation and cabinet report being prepared.
- St James/Old Town, Dover; associated public realm works – DDC supporting ‘coastal communities’ fund’ bid.
- Development of Sweetbriar Lane Elvington site. – viability assessments commissioned , January due back September 2018.

Emerging projects:

- Redevelopment of Co-op site, Castle Street, Dover.
- Updating street lighting stock throughout the district.
- Provision of new museum storage facility to support Maison Dieu project..

### Concerns/Risks:

As noted in previous quarterly reports, the various teams within the Directorate are involved in a wide range of projects and initiatives, many of which support key corporate objectives. Whilst progress is being monitored across all areas, there is always a risk that unforeseen events impact on delivery dates as staff time is diverted to deal with the latest crisis. It is a credit to all the staff that they continue to deliver whilst juggling complex workloads.

## Chief Executive

PI	Description	Outturn 2017/18	DDC Target 2018/19	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr	Direction of Travel to previous Qtr	RAG Status
GOV003	The number of second stage complaints referred to the Council's Complaints Officer	40	N/A	2				2		N/A	N/A
GOV004	The number of FOI requests received	899	N/A	272				272		N/A	N/A
PLA001	Percentage of <b>major</b> planning applications determined in 13 weeks (exc. section 106 agreements) or within an agreed extension of time or Planning Performance Agreement	89.52%	65%	83.33%				83.33%	6	▼	Green
PLA002	Percentage of <b>non-major</b> planning applications determined in 8 weeks (excluding Section 106 agreements)	87.50%	75%	88.83%				88.83%	198	▲	Green
PLA003	The percentage of decisions for major applications overturned at appeal (+)	2.70%	<10%	16%				16%	6	▼	Amber
PLA004	The percentage of decisions for non-major applications overturned at appeal (+)	3.15%	<10%	0.87%				0.87%	198	▲	Green
PLA007	Number of new houses completed.	106 (Base at 31.03.18 = 52526)	N/A	70				70		N/A	N/A
PLA008	Growth in Business Rates base (number of registered businesses)	25 (Base at 31.03.18 = 4012)	N/A	18				18		N/A	N/A

## Chief Executive

<b>PLA009</b>	% of appeals upheld by the Planning Inspectorate as a % of those submitted	N/A	N/A	23%				23%		N/A	<b>N/A</b>
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### Regeneration & Development Director's comments:

#### Performance:

General performance for planning application times remains above target, although some current resource challenges may impact in the next quarter.

The performance target for appeals against the refusal of a Major application only resulted in one being overturned by the Planning Inspectorate, but as this was only out of a total of 6 applications, it has put us below target. Having an appeal target that measures against the total number of applications dealt with initially seemed to be easily achievable, but where application numbers are low, it does not take many unsuccessful appeals to cause concern and risk designation. The 'old' appeals target was a simple look at the numbers won and lost at the Inspectorate and was not measured against overall case numbers. Whilst not an official government PI, it is of interest and I have reinstated it as an informal measure. This brings the data reported more closely in line to that given to Planning Committee each quarter.

A note on PLA0007 and PLA 0008 - This is a relatively crude figure and looks just at the movement in the Council Tax and the Business Rate base. More accurate completion statistics are recorded by Planning Policy for annual reports. The figures in this report give a current indication of trends.

#### Key initiatives/Outcomes:

A recent meeting with Planning Agents was useful to gauge how the service was perceived from a customer perspective and a meeting with developers is also planned shortly.

The revised NPPF has been published. This is currently being analysed and more detail of its impact on plan making and our decisions will be circulated through future briefings and training.

Two successful workshops have been undertaken in preparation for the Local Plan review with a third planned for the Autumn.

A new charging methodology has been introduced for pre-applications and charges have increased to reflect actual costs. This has had some impact on numbers, but not on overall income targets

#### Concerns/Risks:

Having lost one of our Principal Planners to the private sector, we are currently recruiting in a market that has seen a lot of activity and has become very competitive following the increase in planning fees.

Although planning appeal performance generally is improving, the relatively small number of major applications skews the performance target against us. However, as the government's designation criteria looks over 2 complete years, one quarter in itself will not be decisive, but it requires careful monitoring

DOVER DISTRICT COUNCIL

NON-KEY DECISION

**EXECUTIVE**

CABINET – 10 SEPTEMBER 2018

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the remainder of the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Schedule 12A of the 1972 Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Kearsney Abbey – Disabled Changing Facility and Contingency Fund	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Disposal of Land Adjacent to 75 Trinity Place, Deal	1 and 2	Information relating to any individual and Information which is likely to reveal the identity of an individual
	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

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

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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