

# Public Document Pack



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30 October 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held as a Remote Meeting - Teams Live Event on Monday 9 November 2020 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, Democratic Services Officer on (01304) 872303 or by e-mail at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

## Cabinet Membership:

T J Bartlett	Leader of the Council
N J Collor	Portfolio Holder for Transport, Licensing and Community
M J Holloway	Deputy Leader of the Council and Portfolio Holder for Inward Investment and Tourism
N S Kenton	Portfolio Holder for Planning and Regulatory Services
D P Murphy	Portfolio Holder for Housing and Health
O C de R Richardson	Portfolio Holder for Environment and Corporate Property
C A Vinson	Portfolio Holder for Finance, Governance and Digital

## 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 **RECORDS OF DECISIONS** (Pages 6-21)

The decisions of the meetings of the Cabinet held on 5 and 19 October 2020 numbered CAB 14 to CAB 35 (inclusive) are attached.

4 **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 Sandwich Guildhall Forecourt Improvement Works (Page 22)

To consider the attached recommendations of the Overview and Scrutiny Committee.

b EU Transition - Dover Port Health Authority (Page 23)

To consider the attached recommendations of the Overview and Scrutiny Committee.

c Housing Stock Compliance (Page 24)

To consider the attached recommendations of the Overview and Scrutiny Committee.

## **EXECUTIVE - KEY DECISIONS**

5 **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY 2020** (Pages 25- 76)

To consider the attached report of the Head of Regulatory Services.

Responsibility: Portfolio Holder for Planning and Regulatory Services

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

6 **INFRASTRUCTURE FUNDING STATEMENT 2019/20** (Pages 77-119)

To consider the attached report of the Head of Planning, Regeneration and Development.

Responsibility: Portfolio Holder for Planning and Regulatory Services

7 **PERFORMANCE REPORT - SECOND QUARTER 2020/21** (Pages 120-137)

To consider the attached report of the Head of Leadership Support.

Responsibility: Portfolio Holder for Finance, Governance and Digital

8 **HOUSING STOCK COMPLIANCE** (Pages 138-140)

To consider the attached report of the Strategic Director (Operations and Commercial).

Responsibility: Portfolio Holder for Housing and Health

9 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 141)

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**

10 **INTER-AUTHORITY AGREEMENT WITH KENT COUNTY COUNCIL** (Pages 142-176)

To consider the attached report of the Strategic Director (Operations and Commercial).

Responsibility: Portfolio Holder for Planning and Regulatory Services

11 **PROVISION OF NEW MUSEUM STORE** (Pages 177-190)

To consider the attached report of the Strategic Director (Operations and Commercial).

Responsibility: Portfolio Holder for Environment and Corporate Property

12 **DOVER FASTRACK PROJECT UPDATE**

To consider the report of the Strategic Director (Operations and Commercial) (to follow).

Responsibility: Portfolio Holder for Transport, Licensing and Community

### **Access to Meetings and Information**

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. 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, [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk), 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 remotely on Monday, 5 October 2020 at 11.00 am.

Present:

Chairman: Councillor M J Holloway

Councillors: N J Collor  
N S Kenton  
D P Murphy  
O C de R Richardson  
C A Vinson

Officers: Chief Executive  
Strategic Director (Corporate Resources)  
Strategic Director (Operations and Commercial)  
Solicitor to the Council  
Head of Assets and Building Control  
Head of Community and Digital Services  
Head of Finance and Investment  
Head of Inward Investment and Tourism  
Head of Leadership Support  
Head of Planning, Regeneration and Development  
Head of Regulatory Services  
Asset Manager  
Community Services Manager  
Strategic Project Manager (Infrastructure)  
Principal Design Services Officer  
Community Development Officer  
Democratic Services Manager  
Democratic Services Officer

**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 14 5.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	<u>ORDER OF BUSINESS</u>  It was agreed that the order of business be varied in order to consider Agenda Item 12 (Housing Stock Compliance) before Agenda Item 8 (Social Housing Regulator Voluntary Undertaking) as the items of business are related.	None.	The order of business was amended in order to consider two related items sequentially.	
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 15 5.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b>	<u>APOLOGIES</u>  An apology for absence was received from Councillor Trevor Bartlett.	None.	To note any apologies for absence.	

13 October 2020				
<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 16 5.10.20 Open <b>Key Decisions</b> No <b>Call-in to apply</b> Yes <b>Implementation Date</b> 13 October 2020	<u>DECLARATIONS OF INTEREST</u>  Councillor C A Vinson declared a Disclosable Pecuniary Interest in Agenda Item 11 ('Planning for the Future' – Planning White Paper 2020 Consultation Response) by reason that his wife was the co-owner of a specialist planning consultancy.	None.	To note any declarations of interest.	
<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 17 5.10.20 Open <b>Key Decisions</b> No <b>Call-in to apply</b> Yes <b>Implementation Date</b>	<u>RECORD OF DECISIONS</u>  It was agreed that the decisions of the meeting held on 7 September 2020, as detailed in decision numbers CAB 1 to CAB 13, 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 7 September 2020.	



13 October 2020				
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)
<p>CAB 18 5.10.20 Open</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>PERFORMANCE REPORT - FIRST QUARTER 2020/21</u></p> <p>It was agreed that the recommendations of the Overview and Scrutiny Committee, made at its meeting held on 14 September 2020 (Minute No 9), be accepted as follows:</p> <ul style="list-style-type: none"> <li>(i) That the Overview and Scrutiny Committee's concerns be noted in respect of the low levels set as targets for performance indicators EKS02d.1 (percentage of incidents resolved within one working day) and EKS02d.2 (percentage of incidents resolved within three working days), and that these be reviewed. As part of this, a comparison with the targets for other local authorities is proposed.</li> <li>(ii) That the appropriate Portfolio Holder and Officers be requested to work with East Kent Services to improve performance in respect of EKS02d.1 and EKS02d.2 through smarter working practices.</li> <li>(iii) That performance indicator KPI03-d (percentage of Council taxes due for the financial year which were received in year by the authority) have a trend and RAG status indicator added for future editions of the Performance Report.</li> </ul>	None.	The Overview and Scrutiny Committee, at its meeting held on 14 September 2020, considered Cabinet decision CAB 7 of 7 September 2020 and made recommendations to Cabinet.	
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	<u>AFFORDABLE HOUSING DELIVERY</u>	None.	The Overview and	

5.10.20 Open  <b>Key Decisions</b> Yes  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	It was agreed:  (a) That the Overview and Scrutiny Committee's endorsement of Cabinet decision CAB 4, made at its meeting held on 14 September 2020 (Minute No 10), be acknowledged.  (b) That Cabinet Decision CAB 4 be reaffirmed.		Scrutiny Committee, at its meeting held on 14 September 2020, endorsed Cabinet decision CAB 4.	
<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 20 5.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	<u>COUNCIL TAX PREMIUM FOR LONG-TERM EMPTY PROPERTIES DIRECTLY AFFECTED BY COVID-19</u>  It was agreed:  (a) That the Overview and Scrutiny Committee's endorsement of Cabinet decision CAB 5, made at its meeting held on 14 September 2020 (Minute No 11), be acknowledged.  (b) That Cabinet Decision CAB 5 be reaffirmed.	None.	The Overview and Scrutiny Committee, at its meeting held on 14 September 2020, endorsed Cabinet decision CAB 5.	
<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 21 5.10.20 Open	<u>CLEANING OF COMMUNAL AREAS IN HOUSING BLOCKS</u>  It was agreed:	None.	The Overview and Scrutiny Committee, at its	

<p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p>(a) That the recommendations of the Overview and Scrutiny Committee, made at its meeting held on 14 September 2020 (Minute No 13), be accepted as follows:</p> <p style="padding-left: 40px;">(i) That the concerns of the Overview and Scrutiny Committee in respect of the contractor be noted.</p> <p style="padding-left: 40px;">(ii) That a monitoring report on the contract be brought back to a future meeting of the Overview and Scrutiny Committee.</p> <p>(b) That Cabinet Decision CAB 13 be reaffirmed, subject to (a) above.</p>		<p>meeting held on 14 September 2020, considered Cabinet decision CAB 13 of 7 September 2020 and made recommendations to Cabinet.</p>	
<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 5.10.20 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>APPROVAL OF REVISED 2020/21 GENERAL FUND REVENUE BUDGET AND PROJECT PROGRAMMES</u></p> <p>It was agreed that the revised General Fund Revenue Budget and the Capital and Special Projects Programmes be approved, including:</p> <p style="padding-left: 40px;">(i) Forecast increase in the General Fund revenue budget deficit;</p> <p style="padding-left: 40px;">(ii) Reduction in proposed transfers to reserves and the use of Government funding to offset the forecast deficit;</p> <p style="padding-left: 40px;">(iii) Addition, removal and amendments to projects.</p>	<p>None.</p>	<p>Cabinet is requested to approve changes to the revenue budget and capital and project programmes as a result of the social and economic impact of COVID-19.</p> <p>Cabinet is due to consider any recommendations</p>	

			made by the Overview and Scrutiny Committee on 19 October, ahead of making its recommendations to full Council on 21 October.	
<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 23 5.10.20 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>DOVER DISTRICT COUNCIL'S SAFEGUARDING VULNERABLE CHILDREN AND ADULTS POLICY AND PROCEDURES</u></p> <p>It was agreed:</p> <p>(a) That the updated Safeguarding Policy be approved, with an agreed review programmed for every three years.</p> <p>(b) That the Head of Community and Digital Services be authorised, in consultation with the Portfolio Holder for Transport, Licensing and Community, to make any minor changes as necessary relating to legislation or process during the policy period.</p>	None.	Alongside other local authorities, Dover District Council plays a statutory safeguarding role within the wider public sector. The Council's Safeguarding Policy and Procedures have been updated to reflect recent changes in legislation and working practices, most notably the inclusion of vulnerable adults.	
<b>Decision Status</b>	<b>Record of Decision</b>	<b>Alternative options considered and</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by</b>

		rejected (if any)		decision maker(s) or consultees (if any)
CAB 24 5.10.20 Open  <b>Key Decisions</b> Yes  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	<u>DOVER DISTRICT COUNCIL'S PROCESS FOR UNAUTHORISED ENCAMPMENTS</u>  It was agreed that the new policies and procedures for unauthorised encampments, as set out at paragraph 4.2 of the report, be approved.	None.	The current policies and procedures for dealing with unauthorised encampments are not easily accessible and their implementation relies largely on one member of staff. The revised process will be visible to staff and members of the public alike.	
<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 25 5.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	<u>HOUSING STOCK COMPLIANCE</u>  It was agreed that the current compliance status relating to the various aspects of statutory Health & Safety compliance associated with managing the housing stock be noted.	None.	To update Cabinet on how well the Council's housing stock is currently being managed in compliance with statutory health and safety legislation.  Responsibility for managing the Council's housing	

			stock transferred from East Kent Housing to Dover District Council on 1 October 2020.	
<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 26 5.10.20 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>SOCIAL HOUSING REGULATOR VOLUNTARY UNDERTAKING</u></p> <p>It was agreed:</p> <p>(a) That the report be received and noted.</p> <p>(b) That the Council's planned response to the regulatory notice served upon it by the Regulator for Social Housing be agreed.</p> <p>(c) That the Leader of the Council and the Head of Paid Service be requested to enter into a Voluntary Undertaking on behalf of the Council.</p>	None.	<p>Following self-referral to the Regulator for Social Housing (RSH) after failings were identified in meeting statutory health and safety requirements in respect of managing the Council's housing stock, a regulatory notice was issued by the RSH. It is proposed that the Council will enter into a voluntary undertaking with the RSH to ensure that an action plan compiled by Pennington Choices is implemented and the failings</p>	

			rectified.	
<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 27 5.10.20 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>SANDWICH GUILDHALL FORECOURT IMPROVEMENT WORKS</u></p> <p>It was agreed:</p> <p>(a) That the improvement works to the Sandwich Guildhall Forecourt, using the £400,000 allocated in the Medium-Term Financial Plan towards a total project budget of £1.05 million, be approved.</p> <p>(b) That the advance purchase of Yorkstone paving, at a cost of approximately £70,000 to £100,000, be approved.</p> <p>(c) That the Strategic Director (Operations and Commercial) be authorised, in consultation with the Portfolio Holder for Environment and Corporate Property, to take all necessary actions to deliver the works that are the subject of this report, including, but not limited to, the awarding of contracts.</p>	None.	Improvement works to the Sandwich Guildhall Forecourt are part of a wider, multi-funded project of improvements to Sandwich town centre, with an overall budget of £1.05 million.	
<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 28 5.10.20 Open</p> <p><b>Key Decisions</b> No</p>	<p><u>'PLANNING FOR THE FUTURE' - PLANNING WHITE PAPER 2020 CONSULTATION RESPONSE</u></p> <p>It was agreed:</p> <p>(a) That the proposed response to the first consultation, as set out at Appendix 1 to the report, be approved.</p>	None.	Cabinet is requested to agree and note the proposed responses to two consultations currently being	Councillor C A Vinson declared a Disclosable Pecuniary Interest by reason that his wife was the co-owner of a

<b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	(b) That the response to the consultation on changes to the existing system, as set out at Appendix 2 to the report, be noted.		carried out by the Ministry of Housing, Communities and Local Government on reforms to the planning system.	specialist planning consultancy, and digitally left the meeting during consideration of this item.
<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 29 5.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 October 2020	<u>EU TRANSITION - DOVER PORT HEALTH AUTHORITY</u>  It was agreed:  (a) That the additional resource required to support the recruitment of three additional Port Health staff from the 2020/21 budget, to support the first phase of the EU end of transition, be approved.  (b) That the submission of a letter to the Right Honourable Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, seeking urgent clarity and commitment to funding, be approved.	None.	As a result of the phased increase in Port Health Authority responsibilities associated with the end of the EU transition period, Cabinet approval is being sought to fund the recruitment of three Port Health staff.	
<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 30 5.10.20 Open  <b>Key Decisions</b>	<u>EXCLUSION OF THE PRESS AND PUBLIC</u>  That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded during consideration of the	None.		



<p>No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> Immediate</p>	<p>following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.</p>			
<p><b>Decision Status</b></p>	<p><b>Record of Decision</b></p>	<p><b>Alternative options considered and rejected (if any)</b></p>	<p><b>Reasons for Decision</b></p>	<p><b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b></p>
<p>CAB 31 5.10.20 Exempt</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 October 2020</p>	<p><u>OPTION AGREEMENT ON A PROPERTY IN DOVER</u></p> <p>It was agreed that the terms of the proposed option agreement be approved, and that the Council enters into the proposed option agreement which will be exercised in the event that the Council is successful in its application for funding from the Future High Street Fund, and chooses to accept the funding.</p>	<p>Not to enter into an option agreement.</p>	<p>Following an application to the Future High Street Fund, Cabinet approval is sought to enter into an option agreement on the purchase of a property in Dover. The option agreement will be exercised if the funding application is successful.</p>	

The meeting ended at 12.50 pm.

# Public Document Pack

Record of the decisions of the special meeting of the **CABINET** held remotely on Monday, 19 October 2020 at 11.02 am.

Present:

Chairman: Councillor T J Bartlett

Councillors: N J Collor  
M J Holloway  
N S Kenton  
D P Murphy  
O C de R Richardson  
C A Vinson

Officers: Chief Executive  
Strategic Director (Corporate Resources)  
Strategic Director (Operations and Commercial)  
Solicitor to the Council  
Head of Planning, Regeneration and Development  
Democratic Services Manager  
Democratic Services Officer

**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 32 19.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 27 October 2020	<u>APOLOGIES</u>  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 33 19.10.20 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b>	<u>DECLARATIONS OF INTEREST</u>  There were no declarations of interest.	None.	To note any declarations of interest.	

27 October 2020				
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)
<p>CAB 34 19.10.20 Open</p> <p><b>Key Decisions</b> Yes</p> <p><b>Call-in to apply</b> (a) Yes (b) No</p> <p><b>Implementation Date</b> (a) 27 October 2020 (b) 22 October 2020</p>	<p><u>REVISED 2020/21 GENERAL FUND REVENUE BUDGET AND PROJECT PROGRAMMES</u></p> <p>(a) It was agreed that the Overview and Scrutiny Committee be thanked for reviewing the report on the Revised 2020/21 General Fund Revenue Budget and the Capital and Special Projects Programmes at its meeting held on 12 October 2020, and that it be noted that the Committee had noted the report, making no recommendations (Minute No 24).</p> <p>(b) It was agreed to recommend to Council the recommendations set out in Cabinet decision CAB 22 of 5 October 2020 as follows:</p> <p>That the revised 2020/21 General Fund Revenue Budget and the Capital and Special Projects Programmes be approved, including:</p> <ul style="list-style-type: none"> <li>(i) Forecast increase in the General Fund revenue budget deficit;</li> <li>(ii) Reduction in proposed transfers to reserves and the use of Government funding to offset the forecast deficit;</li> <li>(iii) Addition, removal and amendments to projects.</li> </ul>	<p>None.</p>	<p>At its meeting held on 12 October 2020, the Overview and Scrutiny Committee considered Cabinet decision CAB 22 of 5 October 2020 and made no recommendations.</p> <p>The revised budget and programmes will be considered by full Council on 21 October.</p>	

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)
<p>CAB 35 19.10.20 Open</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 27 October 2020</p>	<p><u>'PLANNING FOR THE FUTURE' - PLANNING WHITE PAPER 2020 CONSULTATION RESPONSE</u></p> <p>(a) It was agreed that the Council's consultation response to the 'Planning for the Future' – Planning White Paper 2020 be amended to include the following additional text to reflect concerns raised at the Members' briefing about the reduced opportunities for the local community to inform and influence new development as a result of the proposed reforms:</p> <p>Question 9 a): 'The Council is concerned that the proposal will result in fewer opportunities for the local community to be involved and influence development in their local areas. Community consultation at the planning application stage provides valuable local information that positively influences the final outcome of development. The proposals to front-load consultation to the Local Plan stage are insufficient given there is only proposed to be a single consultation during the preparation of the Local Plan and given that such plans may not be able to deal with matters of fine detail at that stage.'</p> <p>(b) It was agreed that Cabinet decision CAB 28 be reaffirmed, subject to the amendment of CAB 28 (a) as per the above.</p>	<p>None.</p>	<p>Following a Members' briefing held on 13 October 2020, Cabinet is asked to agree changes to the Council's consultation response on proposed reforms to the planning system.</p>	

The meeting ended at 11.13 am.

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

### **SANDWICH GUILDHALL FORECOURT IMPROVEMENT WORKS**

Responsibility: Portfolio Holder for Environment and Corporate Property

Report of: Strategic Director (Operations and Commercial)

#### **Decision Route**

Cabinet	5 October 2020	CAB 27
Overview and Scrutiny Committee	12 October 2020	Minute No 24
Cabinet	9 November 2020	

#### **Overview and Scrutiny Committee Recommendations**

The Overview and Scrutiny Committee, at its meeting held on 12 October 2020, noted the report to Cabinet and made no recommendations.

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

### **EU TRANSITION – DOVER PORT HEALTH AUTHORITY**

Responsibility: Portfolio Holder for Housing and Health

Report of: Head of Regulatory Services

#### **Decision Route**

Cabinet	5 October 2020	CAB 29
Overview and Scrutiny Committee	12 October 2020	Minute No 26
Cabinet	9 November 2020	

#### **Overview and Scrutiny Committee Recommendations**

The Overview and Scrutiny Committee, at its meeting held on 12 October 2020, considered Cabinet decision CAB 29 and made the following recommendation to Cabinet:

That Cabinet Decision CAB 29 (a) be amended as follows:

That the additional resource required to support the recruitment of three additional Port Health staff from the 2020/21 budget, to support the first phase of the EU end of transition, be approved subject to the two temporary members of staff being employed on 12-month contracts that are to be reviewed once a clearer idea of the income generated from the provision of the service is obtained.

#### **Background**

Cabinet Decision CAB 29 was as follows:

It was agreed:

- (a) That the additional resource required to support the recruitment of three additional Port Health staff from the 2020/21 budget, to support the first phase of the EU end of transition, be approved.
- (b) That the submission of a letter to the Right Honourable Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, seeking urgent clarity and commitment to funding, be approved.

## ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

### HOUSING STOCK COMPLIANCE

Responsibility: Portfolio Holder for Housing and Health

Report of: Strategic Director (Operations and Commercial)

#### Decision Route

Cabinet	5 October 2020	CAB 25
Overview and Scrutiny Committee	12 October 2020	Minute No 28
Cabinet	9 November 2020	

#### Overview and Scrutiny Committee Recommendations

The Overview and Scrutiny Committee, at its meeting held on 12 October 2020, considered Cabinet decision CAB 25 and made the following recommendation to Cabinet:

That the Overview and Scrutiny Committee be presented with a report on Housing Stock Compliance for 6 months starting from November 2020.



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<b>Subject:</b>	<b>PRIVATE SECTOR HOUSING ENFORCEMENT POLICY 2020</b>
<b>Meeting and Date:</b>	<b>Cabinet – 9 November 2020</b>
<b>Report of:</b>	<b>Diane Croucher, Head of Regulatory Services</b>
<b>Portfolio Holder:</b>	<b>Councillor Nick Kenton, Portfolio Holder for Planning and Regulatory Services</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To obtain approval for the adoption of the revised Private Sector Housing Enforcement Policy.

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**Recommendation:** That Cabinet approves:

1. Adoption of the revised Private Sector Housing Enforcement Policy 2020.
2. Any future minor amendments to the policy be approved by the Head of Regulatory Services, in consultation with the Portfolio Holder for Planning and Regulatory Services and the Head of Governance.

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## 1. Summary

To approve the adoption of a revised Private Sector Housing Enforcement Policy. In September 2017 Cabinet approved the current Policy. Recent legislation requires the policy to be updated. The revised policy also introduces reduced payments for early payment of Penalty Charges.

## 2. Introduction and Background

2.1 In September 2017 Cabinet approved the current Policy. Following the introduction of new legislation and guidance the policy requires updating to reflect these changes.

2.2 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. (amended 2019) came fully into force on 1<sup>st</sup> April 2020. The Regulations establish a minimum standard of energy efficiency for privately rented property. Local Authorities are responsible for enforcing the minimum level of energy provisions within their area. It is now an offence to let a property with an EPC score of F and G unless the landlord has registered an exemption on the national exemption register. It is also an offence to provide false or misleading information on the register. The revised policy provides details of how the penalty charge will be calculated for any offences. The maximum penalty charge if there are multiple offences is £5,000.

2.3 Appendix 6 of the revised policy provides a framework for determining the appropriate penalty for non-compliance. This policy is in accordance with legislation, government guidance and in i with all Kent District Councils.

2.4 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force on the 1<sup>st</sup> June 2020. These new regulations which have been made under the Housing Act 2004 have also been included in the revised policy.

2.5 The current policy does not provide for a reduced charge for early repayment of a penalty charge. It is common practice to offer a reduced charge for early repayment of penalty charges not least as this reduces the resources the Council has to expend on debt recovery. The revised policy proposes that if an offender can demonstrate an early acceptance of guilt by paying the financial penalty within 28 days of the date the Final Notice was served, the offender can benefit from a 25% reduction in the amount of financial penalty payable. This reduction is representative of other Kent Councils that issue these charges.

2.6 Since the Private Sector Housing Enforcement policy was made in 2013, there has been amendments in 2015 and 2017 to take account of new legislation. In each case Cabinet approval for the change was required. It is recommended that in future any amendments that are minor or reflecting new legislation is delegated for approval to the Head of Regulatory Services in consultation with the Portfolio Holder and Head of Governance.

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

3.1 Approve adoption of the revised Private Sector Housing Enforcement Policy and grant approval to delegate minor changes in future to the named officers.

3.2 Approve adoption of the revised Private Sector Housing Enforcement Policy but not approve delegation of minor changes to the named officers.

3.3 Not to agree to the amendments to the policy.

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

4.1 The recommended changes to the enforcement policy and charges are believed to provide the best option for a fair and workable enforcement regime in accordance with legislative requirements.

4.2 Local authorities are the enforcing body for these powers and a policy which includes penalty charges is required to enable fair and consistent enforcement. The proposed penalty charges are in compliance with the regulations and have been produced in consultation with all Kent District Councils.

4.3 The current method of making minor changes to the policy can cause delays to implementing new legislation. In most cases the Council has a statutory duty to implement legislation from the operative date. It is not unusual that the lead in time for the operative date of new legislation is very short.

### 5. **Resource Implications**

5.1 There will be an increase in staff workload as a result of the need to identify non-compliant properties and serve penalty charge notices. We are not seeking any increase in the number of staff currently. Income received from a civil penalty can be retained by the local authority. From EPC data there is potentially over 400 rented properties that are not in compliance with these regulations.

### 6. **Climate Change and Environmental Implications**

6.1 There are no particular implications in agreeing to the Head of Regulatory Services in consultation with the Portfolio Holder and Head of Governance approving future minor amendments to the policy.

However, the adoption of the revised Private Sector Housing Enforcement Policy 2020 will support the Council's Statutory Duty to take action under the Home Energy Conservation Act 2015 and the new Fuel Poverty Strategy for England (publication expected this Autumn) to enable residents to achieve affordable warmth. The adoption

of the Policy will also give a clear signal that the Council will take action where landlords fail to meet their responsibilities under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations. Raising the thermal efficiency of properties will benefit residents' health and wellbeing.

## 7. **Corporate Implications**

- 7.1 Comment from the Director of Finance (linked to the MTFP): Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comment. (DL)
- 7.2 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.
- 7.3 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/section/149>
- 7.4 Other Officers (as appropriate):

## 8. **Appendices**

- 8.1 Appendix 1 – Proposed Private Sector Housing Policy 2020

## 9. **Background Papers**

- 9.1 Current Private Sector Housing Policy 2017
- 9.2 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.
- 9.3 Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. (Issued by Department of Business, Energy and Industrial Strategy)
- 9.4 Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

Contact Officer: Robin Kennedy, Private Sector Housing Manager

## **APPENDIX 1 - CABINET 9 NOVEMBER 2020**

### **Dover District Council**

### **Private Sector Housing Enforcement Policy**

#### **1. Aim**

The primary enforcement role of the Private Sector Housing (PSH) service is to maintain and improve the housing conditions in Dover District (This excludes properties owned by the Council). It endeavours to achieve this through advice, information and financial assistance. Where this approach fails or is not appropriate and it is necessary to protect the health safety and welfare of persons then the service will take the appropriate enforcement action.

The aim of this policy is to:

- Set out the criteria and priorities we will use when enforcing legislation, so it is transparent and clear to the public.
- Sets out our policy in respect of charges that may be imposed for enforcement.
- Ensure our enforcement is consistent, fair, proportionate and targeted.
- Ensure it is consistent with the aims and objectives contained in the Private Sector Housing Strategy and the Empty Property Strategy.

#### **2. Scope**

This enforcement policy covers the following functional areas:

- Licensing of Houses in Multiple Occupation
- Enforcing minimum Housing standards (HHSRS) to prevent injury and ill health,
- Ensuring private rented accommodation is maintained to keep tenants safe from hazards
- The redress scheme for letting agency and management work

- Bringing empty homes back into use,
- Licensing of caravan sites and mobile homes
- Harassment and Illegal eviction of tenants

### **3. Authorisations**

In accordance with the Council's constitution, the Strategic Director for Corporate Resources, Head of Governance and Private Sector Housing Manager has a duty to appoint officers with suitable qualifications, experience and level of competency to enforce, or, to ensure that appropriate officers are trained to the required level to undertake an enforcement role.

Authority to exercise executive functions in relation to Private Sector Housing has been delegated to the Private Sector Housing Manager as detailed in the Councils Constitution. These powers have then been further delegated where considered appropriate and necessary.

### **4. General Principles**

When carrying out enforcement action it is important that the Council works within the statutory framework set out and that it follows best practice and procedure.

In particular, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement policy as part of this commitment. When exercising its enforcement functions, the Council will act in such a way that is

- Transparent
- Accountable
- Proportionate
- Consistent
- Targeted only at cases where action is needed

Relevant advice/guidance and legislation underpinning this strategy includes

- Dover District Councils Overarching enforcement strategy
- DCLG document "Housing Health and safety Rating System; Enforcement Guidance".
- Regulator's Code
- Human Rights Act 1998

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000
- Data Protection Act 2018
- Freedom of Information Act 2000
- The Protection of Freedoms Act 2012
- The Housing Acts 2004 and 1985
- Local Government Miscellaneous Provisions Act 1976
- The Building Act 1984
- The Environmental Protection Act 1994
- The Caravan Site and Control of Development Act 1960
- The Caravan Sites Act 1968
- Mobile Homes Act 1983 and 2013
- Protection from Eviction Act 1977
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 became operative on 1st October 2015
- The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- Housing and Planning Act 2016
- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended 2019
- The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Various Government (MHCLG) guidance for Local Housing Authorities but in particular “Civil Penalties under the Housing and Planning Act 2016” and “Rent repayment orders under the Housing and Planning Act 2016”
- Other legislation may be used occasionally.

## 5. Interventions and Enforcement

After considering all relevant information one or more of the following courses of action shall be taken: -

- a) Informal action

**b) Formal action such as:**

- Statutory notice
- Simple caution
- Prosecution
- Works in default
- Prohibition Order
- Penalty Charge Notice
- Rent Repayment Order
- Banning Order
- Register landlord on Rogue Landlord Database
- Compulsory purchase of property
- Management order

Not all these options are available in every case. This underlines the need to consider powers available under each piece of legislation individually.

In making any decision on enforcement, officers will consider the following criteria: -

- The legal duties placed on the Local Authority to take enforcement action
- The potential risk of harm
- The seriousness of any offence
- The owner/landlord's history
- Consequences of non-compliance
- The known or likely public benefit of the chosen enforcement action
- The willingness of the owner/landlord to carry out works and the confidence in them
- The likely ability of any witnesses to give evidence and their willingness to co-operate
- The Crown Prosecution Service's Code for Crown Prosecutors
- The risk of any hazard to health (see details below)
- Any relevant guidance or case law

The primary legislation used by PSH is the **Housing Act 2004** as amended by the Housing and Planning Act 2016 and is mainly used to remove hazards in a property that puts occupiers at risk of injury or ill health. This legal provision applies to all property and tenures including

owner-occupiers. Hazards are subject to a statutory risk assessment that determines whether the hazards are classified as a Category 1 or 2. A category 2 hazard is less serious than a Category 1 hazard.

The Council are under a legal duty to take formal action in the case of a category 1 hazard. The Council do not have a duty to take action with category 2 hazards, but they do have the power to take action. The decision in deciding which type of notice or order to serve will depend upon several factors. These factors are contained in DCLG document "Housing Health and safety Rating System; Enforcement Guidance" and is summarised in paragraph 5.3.

. In deciding on the most appropriate action we will take the following matters into account: -

- The wishes of the occupier
- Whether there are high scoring hazards
- Where there are multiple hazards;
- Whether the occupants are in the high-risk group in relation to any hazards present
- Whether it is reasonably practicable to remedy the hazard;
- Whether the defects have a significant effect on the occupants well being
- Whether the landlord had a record of poor maintenance
- Whether the landlord is accredited with a recognised accreditation scheme
- Whether the landlord has agreed to remedy the defects
- Whether the property or person is within one of the Council priorities;
- Whether the hazard is likely to become more serious if not dealt with, for example, damp can often lead to the property fabric deteriorating.

The Council may take enforcement action for category 2 hazards and will do so where it is felt appropriate and taking the above factors into account. Generally, a Category 2 hazard scoring more than 600 points under the HHSRS statutory assessment will be considered a high scoring category 2 hazard.



## 5.1 INFORMAL ACTION

If appropriate, the Council will try to enforce in an informal manner. This would involve the officer drawing the matter to the attention of the owner, manager or responsible person in the form of a letter, e-mail or telephone. This letter will normally list any concerns or deficiencies found and arrange for a follow up visit to discuss the matter with the owner, manager and occupiers. If this informal approach does not result in enough progress being made, or the concerns are considered more serious or information requested is not supplied then the Council will treat the matter in a more formal way.

Informal action is appropriate where;

- The act or omission is trivial in nature and it can be simply remedied.
- Confidence in the individual/businesses management is high.
- There is good co-operation of the landlord in responding to any hazard(s)
- Any hazards pose a minimal risk to health.
- There is insufficient evidence for formal action at the time (although formal action may follow later).
- The views or circumstances of the occupiers or owners provide compelling reasons why formal action should not be taken.
- There are no concerns that the tenant may be subject to retaliatory eviction.

## 5.2 FORMAL ACTION

In some cases, the Council are under a legal duty to take formal action such as when there is a category 1 hazard under the Housing Act 2004.

Formal action will be taken when:

- The Council is legally required to take formal action,
- Informal action has not resulted in compliance or progress. See **Appendix 1** detailing the PSH service standards.
- There is a serious risk to an occupier or member of the public.
- An owner or landlord is known to have a history of non-compliance with statutory requirements.
- There is a belief that the tenant may be subject to retaliatory eviction.

- A serious offence has been committed.
- The consequences of non-compliance are significant.
- The likely ability of any witnesses to give evidence and their willingness to co-operate in the case of a prosecution.
- Where an empty property is assessed as being a case for priority action as prescribed in our Empty Homes Strategy. See **Appendix 2.**

### **5.3 Statutory Notices under the Housing Act 2004**

Although notices are made under a variety of legislation, most notices and orders made by the Private Sector Housing team are issued under the Housing Act 2004. The main ones used under this Act are:

- Improvement Notice (sections 11 and 12)
- Prohibition Order (sections 20 and 21)
- Emergency Remedial Action (sections 40 and 41)
- Emergency Prohibition Order (sections 43)
- Hazard Awareness Notice (sections 28 and 29)
- Suspended Improvement or Prohibition notice/order

The table on the following page provides a guide to the likely action the Council will take under the Housing Act 2004. However, each case will be considered individually.

Action under other legislation may also be used. Examples of other legislation are the Building Act 1984, Environmental Protection Act 1990.

Notice type	Category 1 Hazard	Category 2 Hazard
<b>Improvement Notice</b>	Most common notice used. It's mainly used for rented accommodation but can also be used for owner-occupied properties with where there is a concern for the health of the occupants. An example would be in the case of a fire hazard in a multiple occupied property (flats).	This notice will often be used to require works to deal with both category 1 and 2 hazards. The notice may also be used where there are high scoring category 2 hazards that may affect the health of the occupants or are likely to lead to a category 1 hazard in the future if the works are not carried out.
<b>Suspended Improvement Notice</b>	This may be used occasionally. For example, where the occupier refuses to have works carried out or the work is not practical with the current occupiers.	This may be used occasionally. For example, where the occupier refuses to have works carried out.
<b>Hazard Awareness Notice</b>	Not normally used for serious hazards except where the owner occupies the property. In this situation the owner is in full control to remedy the hazard and simply notifying the owner of the hazard is believed to be the most appropriate action.	This notice is mainly used where there are recommended works to be carried out, but they are not serious enough to warrant an Improvement Notice. May also be used for a high scoring hazard if an owner occupies the property.
<b>Prohibition Order</b>	Used where improvements are not practical. Used for overcrowding; to prohibit the use of unsuitable parts of a property such as basements or rooms that have no adequate means of escape in case of fire.	This order is not normally used for Category 2 hazards.
<b>Suspended Prohibition Order</b>	A Suspended Prohibition Order may commonly be used where it's not appropriate to require the current occupier to vacate the premises immediately.	This order is not normally used for Category 2 hazards.
<b>Emergency Prohibition Order</b>	An Emergency Prohibition order will be served where there is an imminent risk to health or injury and prohibiting the use of part or all the premises is believed to be the best solution.	This order is not normally used for Category 2 hazards.
<b>Emergency Remedial Action</b>	This will only be used in exceptional cases. There must be an imminent risk to health or injury of a person. The Council can carry out works immediately and recover their costs from the owner.	This action is not normally used for Category 2 hazards.

## 5.4 Works in default

Under certain pieces of legislation, the Council is empowered to carry out works in default and recover the costs. Works in default may be carried out where:

- A notice has not been complied with within the specified time
- There is no prospect of the person responsible carrying out the work, e.g. the person is absent or infirm
- Speedy abatement is required, e.g. where there is an imminent risk of injury or ill health
- The circumstances are such that works in default are a more appropriate or effective remedy than other action
- The problem persists after prosecution.
- Where the Council is legally required to carry out such works; such as under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.

Normally a 20% charge of the cost of the works will be made on works in default to cover the Councils administration costs.

## 5.5 Prosecution

Prosecuting someone is a serious matter and will be considered carefully on a case-by-case basis. When considering prosecution officers must follow the guidance in the [Code for Crown Prosecutors](#) . For offences under the Housing Act 2004 the decision whether to prosecute will be subject to **Appendix 5** attached – ***Determining the Penalty for Offences under the Housing Act 2004.***

Where there are offences that have been committed not covered by appendix 5, officers may consider that prosecution is an appropriate way of dealing with the matter when:

- A simple caution is not appropriate, or the person accused has refused to accept the offer of a simple caution; or
- There is a risk to public health and safety or of environmental damage as a consequence of the breach; or
- The breach was as a result of a deliberate act or following recklessness or neglect; or
- The approach of the offender warrants it, e.g. repeated breaches, persistent poor standards; or
- A legal notice or order has not been complied with or no reasonable progress made in relation to its requirements; or

- Obstruction of an officer in the course of their duty; or
- When a person continues to commit offences despite being informed by the Council of these; or
- The refusal or provision of false information.

Please note this is not an exhaustive list and each case will be considered on its individual merits.

The initial decision to prosecute will normally be taken by the Private Sector Housing Manager in consultation with the Solicitor to the Council and the Head of Regulatory Services.

## 5.6 Penalty Charges

Under some legislation, the Council can serve a Penalty Charge Notice. These include:

- **The Redress Schemes for lettings Agency work and Property management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014**
- **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**
- **The Housing Act 2004 as amended by the Housing and Planning Act 2016**
- **The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**
- **The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

As with criminal prosecutions, the council is of the opinion that an early acceptance of guilt is in the public interest. It saves public time and money.

An offender can demonstrate an early acceptance of guilt by paying the financial penalty within 28 days of the date the Final Notice was served. If cleared payment is made within this time period, the offender can benefit from a 25% reduction in the amount of financial penalty payable.

A Final Notice will set out the finalised financial penalty amount determined having regard to this policy and an amount equal to 75% of that sum, which would be accepted if received within the 28-day period.

If the council is required to defend its decision at the First-tier Tribunal, there will inevitably be additional costs in officer time and expenses. As such, no reduction is available for cases subject to an appeal to the First-tier Tribunal if the appeal is unsuccessful. If an offender makes an early payment at the reduced rate, but then decides to appeal later and the appeal is unsuccessful the council will seek the full finalised amount after the appeal proceedings are completed.

### **5.61 The Redress Schemes for lettings Agency work and Property management Work**

Under the redress scheme the penalty charge will normally be £5,000 for any contravention but on representation this charge may be reduced or in exceptional cases quashed. Some brief guidance has been provided on reasons to reduce the penalty charge which includes taking account of turnover of the business or other extenuating circumstances. This charge issued is in accordance with “Guidance on the Redress Scheme Improving Rented Sector” issued in March 2015 by DCLG.

The landlord can request the local authority to review the penalty charge. Normally any representations that are made will be considered jointly by any two of the following officers; the Private Sector Housing Manger, the Head of Regulatory Services or the Strategic Director for Corporate Resources. A final appeal can be made by the landlord to the First Tier Tribunal.

### **5.62 The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Under these regulations, a penalty charge of up to £5,000 can be made. Regulation 13 requires a local Housing Authority to prepare and publish a statement of principles which it proposes to follow in determining the amount of penalty charge. **Appendix 4** details the Councils Statement of Principles in this matter.

Where the Council undertake remedial action, the type of smoke detection fitted will if reasonable and practical will meet the standards contained in British Standard 5839- part 6:2019

### **5.63 Housing Act 2004 as amended by the Housing and Planning Act 2016**

The Housing and Planning Act 2016 introduced new powers for local authorities to tackle rogue landlords. These new powers include;

- Civil penalties of up to £30,000
- Extension of Rent Repayment Order
- Banning orders for the most prolific offenders
- A database of rogue landlords/property agents

The Council has approved a policy for determining when; to issue a penalty notice and the amount of penalty to be charged, when to apply for a Rent Repayment Order, when to put a landlord the database of rogue landlords, when to prosecute and when to apply for a banning order.

This policy can be found at **Appendix 5; Determining the Penalty for Offences under the Housing Act 2004.**

#### **5.64 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020**

These regulations have been made under the Housing Act 2004 and the Housing and Planning Act 2016. The regulations give legal responsibilities to landlords to ensure their property(s) electrical system are safe. This includes providing an electrical inspection report every 5 years. The regulations allow for a Penalty Charge (and no other form of penalty) of up to £30,000 for a breach of duties of a private landlord. The policy for determining the penalty will be the same process as **Determining the Penalty for Offences under the Housing Act 2004, found at Appendix 5.** A landlord can make written representation to the Council within 28 days, regarding a penalty charge.

#### **5.65 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

The regulations provide that, subject to prescribed exceptions, a landlord of a domestic private rented property must not continue to let the property after 1st April 2020, where the energy performance of the property is below the minimum level. (Currently F and G). There are legal exemptions which must be registered under The National PRS Exception Register. Where the Council is satisfied that a landlord is in breach, it may issue a penalty notice imposing a financial penalty, and a publication penalty. This policy can be found at **Appendix 6; Determining the Penalty for Offences under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.**

### **5.7 OVERCROWDING**

Wherever possible the Council will resist taking action that would lead to homelessness but will seek to reduce overcrowding using suspended notices that relies on a voluntary reduction in the occupation of the dwelling. We will work with the Council's Homelessness team where enforcement action may lead to a family moving out of their accommodation.

In acting, we will consider:

- The impact of the overcrowding upon the health and safety of vulnerable adults and children's living conditions.
- Whether the occupants are being exploited and we will take this into account when deciding what action to take.

- The wishes of the occupier.

Where there is a serious hazard of overcrowding, a suspended prohibition notice will normally be served. This will require the occupation of the property to be reduced by the occupiers leaving the property when they choose to. The Notice will then become fully operative once the property is no longer overcrowded and it would be an offence if the property became overcrowded by new occupiers.

## 5.8 Priorities for Enforcement

Normally the Council will not take enforcement action against owner-occupiers as statistically these homes are safer, and the owner has far greater control and power to remedy any hazards in the property. A private tenant would not have this control or power. However, where the Council knows there is a serious hazard in an owner-occupied property, we may have to take formal action in accordance with our statutory duty. In most cases this will simply be a Hazard Awareness Notice, but an Improvement or Prohibition Notice may be served if this is needed to protect existing or future occupants.

To ensure that the Council meet their policy and enforcement objectives effectively, they will from time to time need to target their enforcement activity to specific subjects. For example, this may be:

- Concentrating our action on specific roads or;
- On individuals or organisations who persistently commit offences, or their activities result in the need for us to work proactively to meet our objectives or;
- On specific types of properties for example Houses in Multiple Occupation or empty homes;
- The need to work with partners on specific enforcement activities.

## 5.9 Charging Policy for Taking Enforcement action

The Housing Act 2004 allows Councils to charge for taking enforcement action that results in service of a notice under the Act. The Council will recover our costs when statutory action is taken including the full costs of an officer's time, overheads and any relevant expenses such as specialist reports. Current charges are attached as **Appendix 3** and these will be updated annually.



There will be discretion to waive the charge when it is not reasonable to expect a person to pay for charges for the enforcement action taken i.e. where it is very clear that the owner is not at fault or that the reason for serving the notice was outside the control of the owner.

If the notice is fully complied with within the time allocated by the Council, then the costs charged relating to officer time and administration will be waived. Any other costs such as the obtaining of specialist reports will be fully recovered by the Council. Where a charge for enforcement action is levied, it will be registered as a local land charge.

## **6. Policy Monitoring**

To ensure compliance with this policy, the enforcement activities of the Private Sector Housing Service will be monitored regularly by the Private Sector Housing Manager and are subjected to a regular audit process.

The Private Sector Housing Manager will review this policy annually.

## **7. Training and Development**

Appropriate resources will be made available for training officers to enable them to successfully carry out their duties within this policy. All officers will have recognised relevant qualifications and completed training on the Housing, Health and Safety Rating System. Ideally senior enforcement officers will be professionally qualified and undertake Continual Professional Development.

## **8. Equality impact Assessment**

This policy aims to promote the Council's objectives of improving environmental quality, promoting prosperous communities, health and well-being.

Care has been taken to ensure that application of these policies will not result in discrimination against any of the equalities groups. This document is covered by the Equalities Impact Assessment (EIA) for the overarching Corporate Enforcement Strategy.

## **9. Complaints against our Service**

If you are dissatisfied with the service, you receive please let us know. The Council are committed to providing quality services and your suggestions and criticisms about any aspect of our service will help us to improve. We will deal with all complaints in the strictest confidence. Wherever possible we will attempt to resolve your complaint informally.

Initially you should make representations through the case officer to try to resolve your concern. If you are unable to resolve this matter with the case officer, you should contact the Private Sector Housing Manager.

If you are still dissatisfied, the Council has in place a Corporate Complaints procedure.

If you are still unhappy you can discuss your complaint with your local ward Councilor, MP or can complain to the Local Government Ombudsman.

## **How to Contact us**

In the first instance please use the telephone number given on any correspondence we send and speak to the case officer dealing with the matter or contact;

Robin Kennedy, Private Sector Housing Manager,  
Dover District Council,  
White Cliffs Business Park,  
Dover CT16 3PJ  
Tel: 01304 872221 or E-mail: [robin.kennedy@dover.gov.uk](mailto:robin.kennedy@dover.gov.uk)

Our complaints officer can be contacted

Professional Standards Officer  
Dover District Council  
White Cliffs Business Park  
Dover CT16 3PJ

## Appendices

Appendix 1	Service Standards
Appendix 2	Priority system for empty homes
Appendix 3	Charging Policies
Appendix 4	Statement of Principles for penalty charge for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015
Appendix 5	Determining the Penalty for Offences under the Housing Act 2004
Appendix 6	Determining the Penalty for Offences under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

## Appendix 1

### ***SERVICE STANDARDS***

#### **Response to communication**

This is to be determined by Council- wide standards.

#### **Enforcement/request for service**

1. All requests for service to be acknowledged within 7 working days by telephone or e-mail or letter where this is a last resort.
2. Where a request for service is deemed very urgent with an imminent risk to health or injury, a visit to the premises should be made within 24 hours. If upon inspection it is confirmed there are hazards giving rise to a serious imminent risk to health the landlord or owner are to be informed as soon as practical and formal action taken within 4 working days.
3. For all other requests for service, the complainant may be required to complete a questionnaire giving details of their problems and their landlord. If the questionnaire is not returned within 14 days a reminder letter will be sent. If following a further 14 days, we have still not received a reply the case will normally be closed by the Private Sector Housing Manager. Wherever possible the complainant will be telephoned before the case is cancelled.
4. If a questionnaire is not required, or has been returned, the complainant will be contacted to inspect the property within 10 working days. Alternatively, if the problem does not require a visit the Council will contact the agent or landlord within 5 working days asking them to carry out works to remedy the problem.
5. Following an inspection of the property and in all cases not mentioned in section 2 above the council will write to the complainant within 10 working days informing them of the action the council are taking in the matter. The exception to this is where no action is required, and the tenant will be given advice at the time of inspection.

6. Where an officer determines that works may be required, the council will write to the landlord and tenant within 10 working days of the inspection requesting a formal inspection<sup>1</sup> of the property with the landlord.
7. Within 10 working days of the formal inspection the landlord will be informed in writing that identifies the hazards, works required and timescales to complete them. A copy will be sent to the tenant any other interested parties.
8. Where works or action is required by the council the matter will normally be reviewed by a re-visit or in some cases by contacting the complainant within the following time periods.
  - For all properties having a category 1 hazard the reviews will take place every 6 weeks.
  - For all properties having no category 1 hazard the reviews will take place every 8 weeks.

Where no adequate progress has been made, the owner shall receive written confirmation of the results within 10 days of the review. The tenant will be informed either in writing or verbally.

9. If there appears to be no satisfactory progress, then legal action will be taken. This will usually be by the service of a statutory notice, but this will depend upon all legal formalities such as ownership of the property being satisfied. The time scale allowed before progress is deemed unsatisfactory cannot be prescriptive, but the following guidelines should be followed.
  - In the case of properties having category 1 hazards a formal notice would normally be served within 10 weeks of the formal inspection. In the case of properties having high scoring category 2 hazards, a formal notice would normally be served within 20 weeks of the formal inspection.
  - Where there is a concern that the tenant may be subjected to retaliatory eviction, the service of an Improvement Notice will be served as soon as possible.
10. Where a formal notice has been served, reviews will take place within 5 working days of any start date and completion date contained in the notice. The results of any review will normally be informed to the landlord in writing within 5 working days.
11. Where the notice has not been complied without reasonable excuse, then a penalty will be considered in accordance with appendix 5. If action is deemed to be necessary, this would normally be instigated within 6 weeks of the contravention. Any such action is subject to legal considerations, being proportional and in the public interest so timescales cannot be prescriptive.

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<sup>1</sup> This formal inspection is required by the Housing Act 2004.

## Appendix 2

### ***Empty Homes Priority System for Action***

A priority list of known empty residential properties will be calculated, that reflects the length of time the property has been empty and the impact the property is having on the local environment & community.

The Council will tackle vacant residential property in priority order. The properties with the highest score will be dealt with first.

Vacant properties will be surveyed regularly to enable their points to be adjusted to take into account changes in circumstances.

Properties subject to new complaints will be surveyed within 14 working days. The points will be calculated in accordance with the table below to establish their priority. The points are accumulative. For example, a property empty for eight years will be awarded 30 points for being empty for that length of time.

<b><u>Property Description</u></b>	<b><u>Points</u></b>
Vacant for over 2 Years.	15
Vacant for over 5 Years. An additional	15
Vacant for over 10 Years. An additional	15
Vacant for over 15 Years. An additional	15
Causing serious damage to adjoining property	15
Falling into serious disrepair	15
Property in a high-profile area. (Regeneration areas, town centres, major roads and conservation areas)	10
Becoming an eyesore to the area	10
Attracting rubbish & fly tipping	10
Receiving complaints regarding the property	10
Attracting vandalism and anti-social behaviour	10
No real attempt to sell or re-let after 2 years	5
No sign of refurbishment after 2 years	5

**Low Scoring Properties – up to 40 pts**

This score could reflect an empty property that the owner is in the process of renovation, alterations or sale. Or there is a probate or other legal issues. These properties are not causing a nuisance and are secure and in a good state of repair. Properties that fall into this category will only require minimal monitoring to ensure they do not deteriorate or remain empty long term.

**Medium Scoring Properties – 41 to 65 pts**

This score reflects empty properties that are falling in to a state of neglect. Attempts to sell or re-let the property have been unsuccessful or not pursued. The owner has not maintained the appearance of the property. They are now beginning to become an eyesore, cause a nuisance, attracting rubbish, or anti-social behaviour and action is needed to prevent them from falling into serious disrepair. The Empty Property Officer, who will attempt to negotiate with the owner to try and prevent further deterioration in their condition and bring them back into use and occupation, will closely monitor these properties. Planning and Public Protection enforcement powers will also be used at this stage, if necessary.

**High Scoring Properties – over 65 pts**

These properties will normally have been empty for many years, are causing a nuisance to the local community and are eyesores and probably in a prominent position. They are at risk of attracting vandalism, arson, fly tipping and are in a state of disrepair and/or derelict.

**Priority and Urgent Properties.**

These will be properties that in urgent need of attention by the Council. These will be properties that are, insecure, unsafe and dangerous and will be secured and made safe as soon as possible. Once secure the property will be rescored and dealt with in priority order.

### Appendix 3

#### **Charges for Notices and HMO licensing**

Under section 49 of the Housing Act 2004 charges can be made for work undertaken in respect of the Housing Act 2004 for the service of statutory notices and the licensing of Houses in Multiple Occupation. These charges can include the costs for officer time; specialist reports such as electrical or structural reports and legal costs.

The Council will only seek to recover costs that have been reasonably incurred in administering the service and cannot be used to make profit or used as a penalty. Where owners act responsibly and co-operate then charges may be reduced to reflect this. Charges may also be reduced or waived in exceptional circumstances, but this is at the discretion of the Private Sector Housing Manager. Any request must be put in writing.

#### **Charges for service of Statutory Notices under the Housing Act 2004**

*These charges are for 2020/21 and are subject to annual increases*

Notice Type	Officer time costs*	Specialist reports costs	Possible Reduction
Hazard Awareness	No cost	Charge made for all costs	None
Improvement, Prohibition,	£420 charge for simple notice; £550 for standard notice; £670 for more complicated notice	Charge made for all costs and there is no reduction.	The charge is cancelled if the notice complied with within timescales contained in the Notice
Suspended Notices	Same charges apply as for Improvement and Prohibition Notices above. Plus annual charge of £50 for annual review.	Charge made for all costs and there is no reduction,	The charge is waived if works completed within 12 months of notice.
Emergency Remedial Action	£680 charge	Charge made for all costs	None
Demolition order	£680	Charge made for all costs	None

\* A simple notice would typically be a notice on a one bed flat or a single hazard; a standard notice would typically be a two or three bed house or a number of hazards; a complicated notice would typically be a House in Multiple Occupation, a property with more than three bedrooms or a property with more than six hazards.



### Charges for Licensing of Houses in Multiple Occupation under the Housing Act 2004

These charges are for 2020/21 and are subject to annual increases

<b>License Type</b>	<b>Current Fee</b>
Initial application fee to licence an HMO.	£750 for up to 8 habitable rooms plus £50 for each habitable room above 8
Fee for Licence renewal	£540 for up to 8 habitable rooms plus £32 for each habitable room above 8

## Appendix 4

### STATEMENT OF PRINCIPLES FOR DETERMINING THE AMOUNT OF CIVIL PENALTY CHARGES UNDER REGULATION 13 OF THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

#### **1. Introduction**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 came into force on 1 October 2015. The regulations require private sector landlords from that date to have a working smoke alarm installed on every storey of their rented properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

#### **2. Purpose of Statement of Principle**

Under these regulations, Dover District Council (DDC) as an enforcing authority may impose a civil penalty of up to £5,000 on landlords who do not comply with a remedial notice that has been served on them regarding meeting the requirements of the legislation.

The Council is required under these Regulations to prepare and publish a statement of principles and it must follow this guide when determining the amount of a penalty charge.

The civil penalty scheme is designed to encourage a landlord to comply with their duties under the legislation and to reimburse the Council in arranging remedial action in default of the landlord. The civil penalties we impose are intended to be proportionate to the level of non-compliant behaviour, the potential harm outcome, to consider any mitigating circumstances and are therefore calculated on a sliding scale.

### **3. Overview of the civil penalty process**

The Regulations place a duty on landlords, which include freeholders or leaseholders who have created a tenancy, lease, licence, sub-lease or sub-licence. The Regulations exclude registered providers of social housing.

The duty requires that landlords ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation. (You should refer to BS 5839:part 6 for guidance).
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contained a solid fuel burning appliance.

AND for tenancies starting from 1 October 2015

- that checks are made by the landlord, or someone acting on his behalf, that the alarm (s) is/are in proper working order on the day the tenancy starts.

Where the Council believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of these Regulations.

If the landlord fails to take the remedial action specified in the notice within specified timescale, the Council can require a landlord to pay a penalty charge.

A landlord will not be in breach of their duty to comply with the remedial notice, if they can demonstrate they have taken all reasonable steps to comply. This can be done by making written representations to the Council at the address given at the bottom of this document within 28 days of when the remedial notice is served.

Dover District Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

**Summary illustration of each stage of the civil penalty process**

<b>Issue a remedial notice</b>	<b>If DDC has reasonable grounds to believe there is a breach of the requirements of regulation 4, it must serve a remedial notice on the landlord.</b>
<b>Breach</b>	<b>Failure to comply with remedial notice</b>
<b>Decision</b>	<b>Decision is made on liability for civil penalty</b>
<b>Payment</b>	<b>Payment of penalty or request for review</b>
<b>Review</b>	<b>Penalty notice is confirmed, varied or withdrawn. Review decision notice issued together with appeal information.</b>
<b>Payment</b>	<b>Payment of penalty or appeal to tribunal.</b>
<b>Appeal</b>	<b>Appeal to First Tier Tribunal, penalty notice may be quashed, confirmed or varied.</b>
<b>Enforcement</b>	<b>Enforcement action can be taken if no payment is made on time.</b>

**Each stage is explained in further detail below.**

**Breach**

The landlord has 28 days to comply with the remedial notice. The civil penalty process starts when DDC is satisfied, on the balance of probabilities that a landlord on whom it has served a remedial notice has failed to comply with the terms of that notice (regulation 6(1)).

**Decision**

A decision with respect to determining the liability and calculating the penalty amount will be based on the following Consideration Framework.

**Table 1: Consideration Framework**

<b>Stage 1: Determining the level of breach</b>		
<b>Breach</b>	Is there a history of non-compliance within the last 5 years?	<b>Yes:</b> Apply the Level 2 Civil Penalty Calculator <b>No:</b> Apply the Level 1 Civil Penalty Calculator

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<b>Stage 2: Determining the penalty amount</b>	
<b>Aggravating Factors</b>	
<b>Aggravating factor 1</b>	Seriousness of offence.  Does the premises have any working alarms, the length of time the property has lacked working detectors, has the tenant asked the landlord for working detectors, has the landlord refused to co-operate.
<b>Aggravating factor 2</b>	Is the property overcrowded, is it occupied by vulnerable persons, are there other fire hazards such as poor escape, height of premises above ground level or poor electrics?
<b>Aggravating factor 3</b>	Did Dover District Council have to carry out works in default?

**Stage 3:** We need to determine the penalty amount. This is done using the Civil Penalty Calculator at Table 2. This calculator sets out a sliding scale of penalty amounts for each incidence of non-compliance.

The actual penalty amount will depend on the landlord’s history of compliance and the seriousness of the offence. It will also look at any aggravating factors that should justify a higher penalty. For example, if aggravating factors 1 and 2 apply the penalty charge will be increased by £500. If only aggravating factor 1 applies, then the penalty charge will be increased by £250.

**Table 2: Civil Penalty Calculator**

The Civil Penalty Calculator comprises two levels:

- The **Level 1** table should be used where there is no history of non-compliance during the last five years. The starting point for the calculation of the civil penalty is £2,000 before any additions are applied.

- The **Level 2** table should be used where you have been found to a history of non-compliance within the previous five years. The starting point for the calculation of the civil penalty is £4,000 before any additions are applied.

Where a civil penalty notice has been cancelled following a review or appeal and has not been replaced by a warning notice, it shall not be considered when calculating any subsequent penalty.

<b>Level 1: First breach</b>		
<b>Starting penalty amount £2000</b>		
<b>Aggravating factor 1:</b>	<b>Aggravating factor 2:</b>	<b>Aggravating factor 3:</b>
Penalty increased by £250	Penalty increased by £250	Penalty increased by £500

<b>Level 2: Second or subsequent breach</b>		
<b>Starting penalty amount £4000</b>		
<b>Aggravating factor 1:</b>	<b>Aggravating factor 2:</b>	<b>Aggravating factor 3:</b>
Penalty increased by £250	Penalty increased by £250	Penalty increased by £500

## **Payment**

Penalty charges are to be paid in full within the period specified in the penalty charge notice (this will be not less than 28 days) unless within that specified period the landlord has given written notice to DDC that the penalty charge notice be reviewed.

DDC may reduce the specified charge under an early payment option which reduces the amount of your civil penalty by 25% if we receive payment in full within 28 days of the civil penalty notice being served. The reduced penalty amount and the final date by which you must pay it will be clearly shown on your civil penalty notice.

If you lodge an objection to your penalty before the deadline specified in your civil penalty notice, you will continue to be eligible for the early payment option. If you are still required to pay a penalty following the review of your notice, you will be given a fresh notice which specifies a new date by which you may pay your penalty at the lower amount.

## **Review**

On proper notice having been given, DDC will consider any representations made by the landlord, decide whether to confirm, vary or withdraw the penalty charge notice and serve notice of its decision to the landlord. Any mitigation factors will be considered, and the penalty charge notice may be reduced. The review will be carried out by the Private Sector Housing manager acting in consultation with the Head of Regulatory Services.

## **Appeal**

DDC will be bound by the outcome of the Tribunal decision.

## **Enforcement**

If you do not pay your penalty in full, or a review or lodge an appeal, by the specified due dates, we will commence enforcement action against you. This includes action in the civil court to recover the unpaid penalty. This action may have an adverse impact on your ability to obtain future credit and act in the capacity of a company director.



#### **4. Multiple properties**

A landlord within the DDC area with more than one property found to be in non-compliance with the requirements of the legislation within the previous five years, will be subject to a penalty calculation using Level 2 of the Civil Penalty Calculator if the non-compliance is encountered at other of those properties, and the non-compliance can be attributed to a general failure of the landlord's overall approach to the legislation.

#### **5. Information regarding this statement**

DDC has prepared and published this statement in accordance with its duties under regulation 13 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015. This statement may be revised, and where this happens any revised statement will also be published. When determining the amount of a penalty charge, DDC will have regard to the statement of principles which was most recently prepared and published at the time when the breach in question occurred.

#### **6. References in this statement**

'Days' means calendar days, i.e. including Saturdays, Sundays and bank holidays.

'Breach' or 'breaches' mean that the local authority is satisfied, on the balance of probabilities, that a landlord has breached the duty to comply (regulation 6) with a remedial notice served in respect to regulation 4 (within the relevant period of 28 days) and the local authority has arranged for remedial action to be taken. This is to ensure that tenants are protected by working alarms and may involve installing a required alarm, repairing an installed alarm or checking an installed alarm is in proper working order.

'A civil penalty notice' means a notice given under regulation 8 (3) of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 that requires a landlord to pay a penalty of a specified amount

## **Appendix 5**

### **Housing Act 2004 as amended by the Housing and Planning Act 2016**

#### **Determining the Penalty for Offences under the Housing Act 2004**

**(Including: The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020)**

#### **Introduction**

##### **Financial Penalty (FP)**

The new powers to issue a Financial Penalty came into force on April 6, 2017 under Chapter 4 and schedule 9 of the Housing and Planning Act 2016 (“2016 Act”). Section 249A of the Housing Act 2004 (“2004 Act”) allows the Local Housing Authority (LHA) to issue a FP limiting the maximum penalty at £30,000. A FP can be issued to a landlord (includes other responsible persons) who commits one of the following Housing Act 2004 (“2004 Act”) offences.

- Section 30 – not comply with an improvement notice
- Section 72 (1) – not licence a house in multiple occupation
- Section 72 (2) – licensed HMO that is overcrowded
- Section 72 (3) – not comply with HMO licence conditions
- Section 95 (1) – not licence a private rented property (non-mandatory HMO)
- Section 95 (2) – not comply with a private rented property licence condition.
- Section 139 – overcrowding notice for HMO

- Section 234 – non-compliance a HMO Management Regulation

These powers were amended by the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (ESSPRS) which provided penalty charges of up to £30,000 in respect of electrical safety in rented accommodation and some minor amendments Management regulations and HMO licencing.

Penalties for a breach under the ESSPRS will be calculated using the same methodology as use for other Housing Act 2004 offences.

### **Rent Repayment Orders (RRO)**

Rent Repayment Orders can be applied for by an LHA or tenant under sections 73 and 96 of the 2004 Act. Part 2, Chapter 4 of the 2016 Act widened the option to make an application to the First Tier Tribunal (FTT) for an RRO. An application for a RRO can be made, within 12 month period, by a LHA or tenant against a landlord who commits one of the following Housing Act 2004 (“2004 Act”) offences (whether or not convicted)

- Offence of failing to license an HMO under section 72 (1) of the 2004 Act;
- Offence of failing to license a licensable house under section 95(1), Part 3 of the 2004 Act.
- Failure to comply with an Improvement Notice under section 30\*,
- Failure to comply with a Prohibition Order under section 32(1),
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977

A tenant can only make an application where the LHA had either secured a conviction *or* following a successful RRO award.

### **Financial Penalties as an alternative to taking a prosecution.**

The Government introduced the FP as part of its campaign to clamp down heavily on criminal landlords. Ministers have made it very clear that they expected this power to be used robustly and they are not a lighter option to a prosecution. LHA have been given the authority to both determine whether to prosecute and the level of FP to impose; at up to £30,000. The level of penalty in the Magistrates Court is now unlimited

for all offences where a FP could also be issued. All monies collected following the issue of a FP can be retained by the LHA to further its statutory functions in relation to private housing enforcement work.

The 2016 Act has also introduced the “Landlord Banning Order” (LBO) for the most serious and prolific offenders and the “Rogue Landlord Database” (RLD) of rogue landlords and property agents convicted of certain offences. Whilst a landlord issued with a FP can be placed on the RLD (\* requiring two FP within a 12 month period) a FP will not be a “Banning Order Offence” and so the issuing of a FP will preclude a LHA from seeking to apply to a FTT for a LBO.

The legislation does not permit LHA to issue both a FP and prosecute for the same offence. If a person has been convicted or is currently being prosecuted, the LHA cannot also impose a FP in respect of the same offence. Similarly, if a FP has been imposed, a person cannot then be prosecuted of an offence for the same conduct.

The Statutory Guidance says that a prosecution may be the most appropriate option where an offence is particularly serious or where the offender has committed similar offences in the past. The first of five stages of ‘Setting the Penalty’ offers a means of Banding the Offence based on the seriousness of the offence, culpability of the landlord and impact on tenant and community. The five stages allow a wide consideration of the appropriateness of the penalty chosen including the means, and the table below acts as a guide. As part of reviewing whether to prosecute the LHA should consider the scope for working together with other LHA where a landlord has committed breaches in more than one local authority area.

The decision whether to prosecute will be considered for each offence, but the Council will regard prosecution as the preferred option for the higher banded offences and offences that the LHA determine fall at the threshold where it is proportionate to look to seek further redress, ultimately through the RLD and BO procedures. This approach will meet the Government’s aim of clamping down heavily on a criminal landlord or letting agents.

**Banding the Offence to Determining the Action (using scoring matrix)**

Band 1				Band 2				Band 3				Band 4			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Caution															
Financial Penalty – Rent Repayment Order optional															
				Financial Penalty and Rent Repayment Order Register on Rogue Landlord Database (2 FP within 12M period)											
								Prosecution and Rent Repayment Order Banning Order Offence – register on Database							
										Consider -application to Ban Landlord					

### **Setting the Financial Penalty (FP) for a Landlord.**

A Local Authority must determine the level of FP that can be awarded against a landlord. Dover District Council has agreed this five-stage process to provide a framework to assist with “*determining the level of fine*” which will ensure consistency, transparency and a fair assessment for all parties.

The process has considered the following documents;

1. The statutory guidance issued by the Secretary of State under Schedule 9 of the Housing & Planning Act 2016.;
  - Section 41 (4) of the 2016 Act relating to making applications for Rent Repayment Orders.
  - Article 12 of the new schedule 13A in the 2004 Act.
2. The Code for Crown Prosecutors which gives guidance to prosecutors on the general principles to be applied when making decisions about prosecutions.
3. Non statutory guidance issued by the Ministry of Housing, Communities and Local Government
4. Dover Districts Council Enforcement Policy (incorporating the Private Sector Housing Enforcement Policy)

### **Principles in the Statutory Guidance for Financial Penalties.**

This explains that the FP should; reflect the severity of the offence, the culpability and track record of the offender, the harm caused to the tenant, the punishment of the offender, to deter the offender from repeating the offence, to deter others from committing similar offences and to remove any financial benefit the offender has from offending.

### The five Stages in 'Determining the Level of Financial Penalty'.

**Stage 1:** Banding the offence. The initial FP band is decided following the assessment of two factors;

- Culpability of the landlord; and
- The level of harm that the offence has had.

The scores are multiplied to give a penalty score which sits in one of four penalty bands;

**Stage 2:** Amending the penalty band based on aggravating factors.

**Stage 3:** Amending the penalty band based on mitigating factors.

**Stage 4:** A Penalty Review. To review the penalty to ensure it is proportionate and reflects the landlord's ability to pay.

**Stage 5:** Totality Principle. A consideration of whether the enforcement action is against one or multiple offences, whether recent related offences have been committed and ensuring the total penalties are just and proportionate to the offending behaviour

#### Stage1: Banding the level of Offence, (there are two factors to assess)

Banding the Offence	
<b>Factor 1.</b> <b>Culpability of Landlord (seriousness of offence and culpability)</b>	<b>Assessment:</b> The landlord is to be assessed against four levels (low, moderate, high or significant) of culpability:

<p>To consider as part of assessment</p> <ul style="list-style-type: none"> <li>a. Is the landlord experienced or has a number of properties within their portfolio?</li> <li>b. what length of time did the offence continue for or repeat over?</li> <li>c. to what extent was the offence premeditated or planned,</li> <li>d. whether the landlord knew, or ought to have known, that they were not complying with the law,</li> <li>e. the steps taken to ensure compliance.</li> <li>f. whether the landlord has previous relevant unspent housing offence related convictions (source National Landlord database),</li> <li>g. the likelihood of the offence being continued, repeated or escalated.</li> <li>h. the responsibilities the landlord had with ensuring compliance in comparison with other parties</li> </ul>	<p><b>Significant</b> - Where the offender deliberately or intentionally breached, or flagrantly disregarded, the law.</p> <hr/> <p><b>High</b> – Landlord had actual foresight of, or wilful blindness to, risk of offending but risk nevertheless taken.</p> <hr/> <p><b>Moderate</b> - Offence committed through act or omission which a landlord exercising reasonable care would not commit</p> <hr/> <p><b>Low</b> - Offence committed with little fault, for example, because:</p> <ul style="list-style-type: none"> <li>a. Significant efforts were made to address the risk although they were inadequate on this occasion</li> <li>b. There was no warning/circumstance indicating a risk</li> <li>c. Failings were minor and occurred as an isolated incident</li> </ul>
<p><b>Factor 2</b></p> <p><b>Level of Harm (for tenant, community)</b></p>	<p><b>Assessment:</b></p> <p>The landlord is to be assessed against four levels (low, moderate, high or significant) of harm or consequence:</p>



<p>To consider as part of assessment</p> <ul style="list-style-type: none"> <li>a. Circumstances or vulnerabilities or actual discrimination against the tenant or tenants. (age, illness, language, ability to communicate, young children, disabilities or in relation to any protected characteristic (Equalities Act 2010)</li> <li>b. Tenant’s views about the impact that the offence has had on them.</li> <li>c. The extent to which other people in the community have been affected, for example, because of anti-social behaviour, excessive noise and damage to adjoining properties.</li> <li>d. was more than one other household affected,</li> <li>e. The level of actual or potential physiological or physical impact on tenant(s) and third parties?</li> <li>f. What regulation, legislation, statutory guidance or industry practice governed the circumstances of the offence?</li> <li>g. has the level of trust been breached and have landlord actions impacted on sector?</li> </ul>	<p><b>Significant.</b></p> <ul style="list-style-type: none"> <li>▪ Serious adverse effect(s) on individual(s) and/or having a widespread impact</li> <li>▪ Significant risk of an adverse effect on individual(s) – including where persons are vulnerable</li> <li>▪ Significant disregard of Regulator or legitimate industry role with significant deceit</li> </ul>
	<p><b>High</b></p> <ul style="list-style-type: none"> <li>▪ Adverse effect on individual(s) (not amounting to significant)</li> <li>▪ High risk of an adverse effect on individual(s) or high risk of serious adverse effect, some vulnerabilities.</li> <li>▪ Regulator and/or legitimate industry substantially undermined by offender’s activities</li> <li>▪ Consumer/tenant misled</li> </ul>
	<p><b>Moderate</b></p> <p>Moderate risk of an adverse effect on individual(s) (not amounting to low risk)</p> <ul style="list-style-type: none"> <li>▪ Public misled but little or no risk of actual adverse effect on individual(s)</li> </ul>
	<p><b>Low</b></p> <ul style="list-style-type: none"> <li>▪ Low risk of an adverse effect on individual(s)</li> <li>▪ Public misled but little or no risk of actual adverse effect on individual(s)</li> </ul>

**Scoring Matrix to Determine the Level of Fine.**

Scoring Matrix for Financial Penalty					
FACTORS					
Level of Culpability (seriousness of offence)	Significant	4	8	12	16
	High	3	6	9	12
	Moderate	2	4	6	8
	Low	1	2	3	4
Level of Harm		Low	Moderate	High	Significant

**Financial Penalty Banding and Penalty Scores**

Penalty Band	Band 1				Band 2				Band 3				Band 4			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Financial Penalty	£250	£500	£750	£1000	£2000	£4000	£6000	£8000	£10,000	£12,000	£15,000	£18,000	£20,000	£23,000	£26,000	£30,000

## **Stage 2: Amending the penalty band based on aggravating factors.**

Objective: to consider aggravating factors of the offence that may influence the FP. A significant aggravating factor may allow the FP to be increased by a FP point.

### Example aggravating factors:

- Previous convictions, having regard to;
  - a) The nature of the offence to which the conviction relates and its relevance to the current offence; and
  - b) The time that has elapsed since the conviction (is conviction spent)?
    - Motivated by financial gain, profited from activities.
    - Deliberate planned concealment of activity resulting in offence and obstructive nature of landlord towards investigation
    - Established evidence of longer-term impact on the (wider) community as a consequence of activities.
    - Role within the private rented sector and familiarity with responsibilities and current level of responsibility with managing and letting private rented properties.
    - Refusal to accept offer of, or respond to LHA advice regarding responsibilities, warnings of breach or learned experience from past action or involvement of LHA or other Regulatory Body.
    - Any further factor that can be deemed of sufficiently aggravating nature that is not covered above or within the culpability and harm banding factors.

## **Stage 3: Amending the penalty band based on mitigating factors**

Objective: to consider any mitigating factors and whether they are relevant to the offence. A significant mitigating factor may allow the FP to be decreased by a FP point.

Example mitigating factors:

- No evidence of previous convictions or no relevant/recent convictions
- Voluntarily steps taken to remedy problem
- High level of co-operation with the investigation, beyond that which will always be expected
- Good record of maintaining property and compliance with legislation, statutory standards and industry standards
- Self-reporting, co-operation and acceptance of responsibility
- Mental disorder or learning disability, where linked to the commission of the offence
- Serious medical conditions requiring urgent, intensive or long-term treatment where linked to the commission of the offence.
- Age and/or lack of maturity where it affects the responsibility of the offender
- Any further factor that can be deemed of sufficiently mitigating nature that is not covered above or within the culpability and harm banding factors.

**Stage 4: A review of the financial penalty to ensure that the case can be made and that the chosen approach is proportionate:**

**Step 1:** to check that the provisional assessment of the proposed FP meets the aims of the Crown Prosecutions sentencing code:

- Punishment of offender
- Reduction of/stopping crime
- Deterrent offender or for other potential offenders
- Reform of offender
- Protection of public
- Reparation by offender to victim(s)
- Reparation by offender to community
- Remove any financial benefit the offender may have obtained as a result of committing the offence.

**Step 2:** to check that the proposed FP is proportionate and will have an appropriate impact.

Local authorities should use their existing powers to, as far as possible, assess a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty by making an adjustment to the financial penalty band. The general presumption should be that a FP should not be revised downwards simply because an offender has (or claims to have) a low income. Similarly, if a landlord with a large portfolio was assessed to warrant a low FP, the FP might require adjustment to have sufficient impact, and to conform to sentencing principles.

Part 6 of Schedule 16 of the Crime and Courts Act 2013 permits the value of any assets owned by the landlords, e.g. rental property portfolio, to be considered when making an assessment and setting the level of penalty. The FP is meant to have an economic impact on the landlord, removing reward for criminal activities and acting as a deterrent to bad practice.

In setting a financial penalty, the LHA may conclude that the offender is able to pay any financial penalty imposed unless the offender has supplied any financial information to the contrary. It is for the offender to disclose to the LHA such data relevant to his financial position as will enable it to assess what he can reasonably afford to pay. Where the LHA is not satisfied that it has been given sufficient reliable information, the LHA will be entitled to draw reasonable inferences as to the offender's means from evidence it has heard and from all the circumstances of the case which may include the inference that the offender can pay any financial penalty.

Process: The offender will be asked to submit relevant information as part of the process and the request for financial information will be incorporated into the notes on the "notice of intended action", the first step with issuing a FP notice.

### **Stage Five: Totality principle**

Objective: Where the offender is being considered to be issued with more than one financial penalty, the LHA should consider the Sentencing Council guidance "Offences Taken into Consideration and Totality - Definitive Guideline". Where separate financial penalties are imposed the LHA must be careful to ensure that there is no double-counting. Section 249A of the 2004 Act (amended) states that 'only one financial penalty under this section may be imposed on a person in respect of the same conduct'. The 2016 Act does permit the LHA to issue a FP and also apply for a RRO. Where the FP is issued the FTT must award the maximum RRO.

"The total financial penalty is inevitably cumulative". The LHA should determine the financial penalty for each individual offence based on the seriousness of the offence and taking into account the circumstances of the case including the financial circumstances of the offender so far as they are known, or appear, to the LHA. The LHA should add up the financial penalties for each offence and consider if they are just and proportionate.

If the aggregate total is not just and proportionate the LHA should consider how to reach just and proportionate financial penalties. There are a number of ways in which this can be achieved.

Examples:

- where an offender is to be penalised for two or more offences that arose out of the same incident or where there are multiple offences of a repetitive kind (management offences or breach of conditions), especially when committed against the same person, it will often be appropriate to impose for the most serious offence a financial penalty which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. No separate penalty should be imposed for the other offences;
- Where an offender is to be penalised for two or more offences that arose out of different incidents, it will often be appropriate to impose a separate financial penalty for each of the offences. The LHA should add up the financial penalties for each offence and consider if they are just and proportionate. If the aggregate amount is not just and proportionate the LHA should consider whether all of the financial penalties can be proportionately reduced. Separate financial penalties should then be passed.
- Where an LHA has determined that it will apply for a RRO within the 12 month deadline the FP should be reviewed to ensure the total penalty is proportionate as guided by Stage 4. The FP may be adjusted accordingly knowing that, *if successful*, the RRO award will be the maximum.

### **Reduction in Penalty Charge for Early Repayment**

As with criminal prosecutions, the council is of the opinion that an early acceptance of guilt is in the public interest. It saves public time and money.

An offender can demonstrate an early acceptance of guilt by paying the financial penalty within 28 days of the date the Final Notice was served. If cleared payment is made within this time period, the offender can benefit from a 25% reduction in the amount of financial penalty payable.

A Final Notice will set out the finalised financial penalty amount determined having regard to this policy and an amount equal to 75% of that sum, which would be accepted if received within the 28-day period.

If the council is required to defend its decision at the First-tier Tribunal, there will inevitably be additional costs in officer time and expenses. As such, no reduction is available for cases subject to an appeal to the First-tier Tribunal if the appeal is unsuccessful. If

an offender makes an early payment at the reduced rate, but then decides to appeal later and the appeal is unsuccessful the council will seek the full finalised amount after the appeal proceedings are completed.

### **Setting the Rent Repayment Order (RRO) for a Landlord.**

A tenant or an LHA may individually apply to a FTT for a RRO award in respect of their rent payments within 12 months of an offence. Under section 73 (7)(iii) and section 96 (7)(iii) of the 2004 Act and section 42 (2)(b) of the 2016 Act; the LHA is required to stipulate, in the notice of intended proceedings, how much the order for repayment of rent is. The level of rent relates to a defined period of 12 months in the period leading up to the offence or during the 12-month period whilst the offence was being committed. The local investigation will determine the levels of rent paid. An LHA has no control over the level of rent a tenant may apply for.

The Government have advised that the RRO should ensure it addresses the following factors; punishment of the offender, the recipient of any recovered rent, deter the offender from repeating the offence, deter others from committing similar offences and remove any financial benefit the offender may have obtained as a result of committing the offence. LHA must have regard to the statutory guidance issued under section 41(4) of the 2016 Act when exercising their functions in respect of RRO.

Where a conviction has been achieved the LHA will apply to the FTT for the maximum rent repayment, within a 12 month period. Section 46 of the 2016 Act states this is the level that must be awarded to either a tenant (except for section 72(1) or 95(1) offences) or a LHA where the landlord has been convicted or a FP issued in relation to that offence. In these cases there is no discretion within "Determining the Penalty".

If there is no conviction or a FP is not issued then the Council will apply to the FTT for the maximum rent repayment when a RRO is applied for. If a FP is to be issued, the penalty point/ banding first determined will be reviewed under Stage 5 to ensure that the Totality Principle is met. This aims to ensure that the total penalties are just and proportionate to the offending behaviour.

The legislation places the ultimate decision for determining the financial award under a Rent Repayment Order with the FTT in line with section 74 and 97 of the 2004 Act and sections 44 and 45 of the 2016 Act. The FTT must take into account; the conduct of the landlord, the financial circumstances of the landlord, and whether the landlord has at any time been convicted of an offence to which this Chapter (Part 2 Chapter 4 of the 2016 Act) applies. It is felt that not making the application for the maximum award would undermine the discretion of the FTT.



## **Appeals**

A person issued with a FP has a right of appeal to the First Tier Tribunal (Para 10 of Schedule 13A of the 2016 Act)

A person placed on the DRL has a right of appeal to the First Tier Tribunal (Section 32 of the 2016 Act).

A person aggrieved by the decision of the FTT in relation to the making of a rent repayment order may appeal under the provisions of Part 2 Chapter 5 of the 2016 Act.

## **NOTE**

### **Financial Penalty Process and Right for Person to make Representations.**

Before imposing a financial penalty on a person under section 249A of the 2004 Act the LHA must, within 6 months of the date of the offence, give the person notice of the authority's proposal to do so (a "notice of intent"); incorporating why and the level of fine. A person in receipt of the notice of intent can make written representations within 28 days. Subsequently the LHA must decide whether to issue a financial penalty and the amount and to do so must issue a final notice.

Similarly, section 42 of the 2016 Act requires that the LHA must first serve a notice of intended proceedings on the landlord. He can then make written representations within 28 days of the date of service to the LHA about the proposed RRO

The landlord has the right to make representations and any representation must be duly considered. The LHA will provide a response within 21 days (no statutory time period) with a decision notice stating whether the penalty will be withdrawn, varied or upheld.

**All communications** for representations made against the intended FP or RRO are to be written and sent to:

**Private Sector Housing Manager**

**Dover District Council, White Cliffs Business Park**

**Dover, CT16 3PJ**

Telephone: 01304 872397

email to: [privatesectorhousing@dover.gov.uk](mailto:privatesectorhousing@dover.gov.uk)

## Appendix 6

### **Determining the Penalty for Offences under The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. (amended 2019\*)**

#### **Introduction**

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) (the Regulations) are designed to tackle the least energy-efficient properties in England and Wales – those rated F or G on their Energy Performance Certificate (EPC). The Regulations establish a minimum standard for privately rented property.

The Department for Business Energy and Industrial Strategy have produced guidance published in 2017 and updated in June 2018; *Guidance for landlords and Local Authorities on the minimum level of energy efficiency required to let domestic property under the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*. The council have had regard to this guidance in formulating this policy.

#### **Purpose of this policy**

In accordance with Regulation 34 Local Authorities are responsible for enforcing the minimum level of energy provisions within their area. In the first instance the council will notify Landlords who rent properties with an EPC of F or G that they do not meet the minimum energy efficiency standard. The Council will offer advice on how the standards can be met and request Landlords to register an exemption if appropriate. Unless the landlord has reasonable excuse for not complying with these regulations, the council will normally take formal action without giving an informal opportunity for the landlord to comply where a contravention exists.

*\*The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019*

The Council has discretion to serve Compliance Notices to request information from the landlord that will help them to decide whether there has been a breach. The council will serve Compliance Notices where the additional information is required. The Council will serve a Penalty Notices where a landlord fails to comply with the Compliance Notice.

The Council will check the National PRS Exemptions Register and if it believes a landlord has registered false or misleading information it will consider serving a financial penalty.

If offences under these regulations are committed the Council will normally serve a Penalty Notice. This policy is a framework for officers to follow in how to determine the appropriate penalty.

Under regulation 39 the Local Authority may publish some details of the landlord’s breach on a publicly accessible part of the PRS Exemptions Register. The council will place the information on the register at the appropriate time, for a minimum of 12 months.

The Landlord has the right to ask for a Penalty Notice to be reviewed under Regulation 42. Any request for review must be submitted to the Council within one calendar month of the Penalty Notice being served. Requests for review after the prescribed time will be considered at the Council’s discretion

**Penalties for non-compliance with the Minimum Energy Efficiency Regulations**

<b>Breaching the ban on letting a property with an EPC Rating of F or G for less than 3 months (statutory maximum £2000)</b>	
First offence - £1000 (or £750 if paid within 28 days)	All other offences - £2000 (or £1500 if paid within 21 days)

<b>Breaching the ban on letting a property with an EPC Rating of F or G for more than three months (Statutory maximum: £4,000)</b>	
First offence: £2,000 (or £1,500 if paid within 28 days)	All other offences: £4,000 (or £3,000 if paid within 21 days)

<b>Registering false or misleading information on the PRS Exemptions Register (Statutory maximum: £1,000)</b>	
First offence: £500 (or £375 if paid within 28 days)	All other offences: £1,000 (or £750 if paid within 21 days)

<b>Failing to provide information to the council demanded by a Compliance Notice (statutory maximum £2,000)</b>	
First offence: £1,000 (or £750 if paid within 28 days)	All other offences: £2,000 (or £1,500 if paid within 21 days)

<b>Subject:</b>	<b>INFRASTRUCTURE FUNDING STATEMENT 2019/2020</b>
<b>Meeting and Date:</b>	<b>Cabinet – 9 November 2020</b>
<b>Report of:</b>	<b>Lois Jarrett, Head of Planning, Regeneration and Development</b>
<b>Portfolio Holder:</b>	<b>Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services</b>
<b>Decision Type:</b>	<b>Non-Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Purpose of the report:</b>	To outline the new requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements.  To seek approval of the format and content of the first Annual Infrastructure Funding Statement 2019/20 and publication of the Statement.
<b>Recommendation:</b>	To approve the format and content of the first Annual Infrastructure Funding Statement 2019/20 at Appendix 1 and supporting spreadsheets at Appendix 2, which is to be published no later than 31 December 2020.

## 1. Summary

Amendments to the Community Infrastructure Levy Regulations 2010 mean for the financial year 2019/2020 onwards, any local authority that has received developer contributions (either through section 106 planning obligations or the Community Infrastructure Levy) must publish online an Infrastructure Funding Statement (IFS) by 31 December 2020 and by the 31 December each year thereafter.

Whilst details of developer contributions have previously be reported within the Council's Authority Monitoring Report, the amended regulations now mandate exactly what information is to be provided. Guidance sets out the Government's preferred format for reporting the required information and makes recommendations as to additional information local authorities could publish alongside the statement.

This report seeks approval of the format and content of the first annual infrastructure statement set out at Appendix 1 and supporting spreadsheets at Appendix 2. These documents meet the requirements of the new regulations and takes account of the guidance, whilst providing additional information on developer contributions for the residents of Dover district.

## 2. Introduction and Background

2.1 The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (amended CIL Regulations) came into force on 1 September 2019 which, amongst other changes, introduced a requirement upon Local Authorities to publish on their websites an IFS. The first of these is to be published by 31<sup>st</sup> December 2020.

2.2 The regulations require that the IFS comprises the following three parts:

- 1) A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (CIL).

- 2) A report about CIL, in relation to the previous financial year, which includes matters specified within the regulations.
  - 3) A report about planning obligations, in relation to the reported year, which includes matters specified within the regulations This is referred to as the “Section 106 report”
- 2.3 As Dover District Council does not operate CIL the Council’s IFS will report a ‘nil return’ for parts 1 and 2. However, the part 3 Section 106 report will need to be completed as the Council does collect planning obligations under Section 106 of the Town and Country Planning Act 1990.
- 2.4 The matters specified to be included within the Section 106 report are:
- The total amount of money to be provided under any planning obligations within the reported year (1<sup>st</sup> April – 31<sup>st</sup> March).
  - The total amount of money under any planning obligations which was received during that reported year.
  - The total amount of money under any planning obligations which was received before the reported year which has not been allocated.
  - Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year. For affordable housing this should include the total number of units to be provided and for education this should be the total number of school places. Where this cannot be specified, estimates should be given.
  - The total amount of money allocated but not spent during the reported year for funding infrastructure. This should include summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item.
  - The total spent by the authority during the reported year (which includes transferring it to another person (such as KCC) to spend). This should include summary details of the items of infrastructure on which the money was spent, and the amount of money spent on each item. Any money spent on repaying money borrowed or on monitoring planning obligations should be explicitly identified.
  - The total amount of money that has been collected during any year and retained at the end of the reported year and, where any of the retained money has been allocated for the purpose of longer- term maintenance (commuted sums), also identify separately the total amount of commuted sums held.
- 2.5 In addition to the regulatory requirements above, detailed guidance published alongside the amended CIL regulations sets out recommendations of how the government would like this data formatted, labelled and published in spreadsheet form.
- 2.6 Additionally, this guidance also recommends the IFS sets out anticipated future spending priorities and the types of infrastructure that may be wholly or partly funded by either CIL or planning obligations.
- 3. Recommended format and content of the first IFS**
- 3.1 Whilst spreadsheets have been produced in line with the published guidance, this is considered to make the information somewhat too abstract to be properly informative for members of the public. A written report has therefore also been produced which will link to the spreadsheets and summarise the required information. A draft is provided at Appendix 1 and the spreadsheets at Appendix 2.

- 3.2 With regards to the regulatory requirements set out above, the full details are contained within the report. The headline figures are however summarised in the below table:

<b>Matter to be reported</b>	<b>Amount</b>
Monetary contributions agreed within the financial year 2019/20.	£2,415,175
Non-monetary contributions agreed within the financial year 2019/20.	101 affordable housing units 10 units of specialist housing 1 x Public accessibly open space with a locally equipped play area
Monetary contributions received during the financial year 2019/20	£745,337
Monetary contributions received before financial year 2019/20 awaiting allocation.	£931,262
Total amount spent during the financial year 2019/20	£168,861
Total amount spent on repaying borrowed money during the financial year 2019/20	£0
Total amount allocated but not spent during the financial year 2019/20	£206,508
Total amount that has been collected during the financial year 2019/20 for the purpose of longer-term maintenance.	£0
All monies held for the purpose of longer-term maintenance.	£568,100

- 3.3 With respect to the total amount of money collected any year and retained at the end of the reported year, the Council holds £3,134,396 in total Section 106 Contributions as at 31<sup>st</sup> March 2020.

- 3.4 Of this, £1,470,090 is awaiting allocation to a specific project and £1,664,303 is already allocated to a specific project though awaiting spend or transfer. This is broken down further in the below table:

<b>Unallocated</b>	<b>Amount</b>
Unallocated and unspent received before 2019/20	£931,262
Unallocated and received during 2019/20	£538,828
<b>Total</b>	<b>£1,470,090</b>
<b>Allocated</b>	
Allocated though unspent that had been received before 2019/20	£1,626,656
Allocated and received during 2019/20	£206,508
Less that spent during 2019/20	£168,861
<b>Total</b>	<b>£1,664,303</b>
<b>Total of all S106 monies held</b>	<b>£3,134,393</b>

- 3.5 It is important to note that “allocated” means a decision has been made by the local authority to commit funds to an item of infrastructure or project. For most Section 106 agreements, this decision has been made at the planning application stage with each infrastructure or project requirement specified within the legal agreement.
- 3.6 It is similarly important to note that “unallocated” money will still be bound by the terms of the Section 106 legal agreement and, as a minimum, will be required to be spent on a particular infrastructure type specified within the agreement i.e. Affordable housing or Equipped Play Areas. Further, individual Section 106 legal agreement usually specify criteria needing to be met for “unallocated” money to be allocated to a project. For example, the Section 106 legal agreement may specify that the monies may only be spent on open space projects within a certain area.
- 3.7 It is therefore the case that either the specific allocated projects or criteria for unallocated monies are highlighted within the report as appropriate or relevant. In all cases however, the finer detail will be with the formal spreadsheets accompanying the report.
- 3.8 Of the £1,470,090 unallocated monies, £1,213,246 of this relates to affordable housing. Much of this was received within the reporting year. The Council’s Housing Development Manager is therefore considering the detail of the most appropriate projects to which this funding should be directed and will report further to members in due course. This is highlighted as a priority within the report.
- 3.9 The report also responds to the recommendation to set out anticipated future spending priorities by highlighting estimated future infrastructure income figure by broad infrastructure type. This figure has been calculated by adding all the pending S106 payments (on extant planning permissions) that have been agreed but not yet triggered and amounts to a potential £18,426,224 in addition to the held £3,134,396.

#### **4. Identification of Options**

- 4.1 Options 1 - To approve the publication on the Council’s website of the first Annual Infrastructure Funding Statement 2019/20 attached at Appendix 1 and supporting spreadsheets at Appendix 2.
- 4.2 Option 2 – Approve the publication on the Council’s website of the supporting spreadsheets at Appendix 2 alone.

#### **5. Evaluation of Options**

- 5.1 Under Government legislation the Council is required to produce an Infrastructure Funding Statement. The recommended option is option 1 as this offers additional clarity for members of the public beyond the requirements of the regulations.
- 5.2 The alternative option is publish the spreadsheets produced in line with the published guidance. This would be the minimum required to meet the regulation requirements.

#### **6. Resource Implications**

- 6.1 Once agreed by Cabinet, a copy of the Annual Infrastructure Funding Statement 2019/20 will be made publicly available on the Council’s website. There are no further resource implications.

#### **7. Climate Change and Environmental Implications**



7.1 Publishing an Infrastructure Funding Statement has no particular implications on the Council's Climate Change ambitions.

## 8. **Corporate Implications**

8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy have been consulted on this report and have no further comments.

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

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/section/149>

8.4 Other Officers (as appropriate): Not applicable.

## 9. **Appendices**

Appendix 1 – Annual Infrastructure Funding Statement 2019/20

Appendix 2 – Infrastructure Funding Statement supporting spreadsheets

## 10. **Background Papers**

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) (amended CIL Regulations)

<https://www.legislation.gov.uk/uksi/2019/1103/regulation/9/made>

Planning Guidance: <https://www.gov.uk/guidance/publish-your-developer-contributions-data>

Contact Officer: Richard Thompson, Principal Infrastructure Planner

# Appendix 1



# Dover District Council

## Infrastructure Funding Statement 2019-20

November 2020

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# INTRODUCTION

## WHAT IS THE INFRASTRUCTURE FUNDING STATEMENT?

The Infrastructure Funding Statement (IFS) provides an overview of Section 106 funding at the Council and has been produced following collaborative work with the Council's Accounts department. The statement provides information on planning obligations within Section 106 agreements signed in the reporting year. This includes the nature and value of their contribution(s), financial transactions over the reporting year, details of funding held before 1st April 2019 and estimates of future Section 106 funding and future infrastructure projects and priorities.

This statement should be read in conjunction with the following spreadsheets (1) that are available on the Council's website and produced in line with Government guidance;

Developer-agreement-2019-20 (links to website)

Developer-agreement-contribution-2019-20

Developer-agreement-transaction-2019-20

Developer-agreement-financial-contribution-held-pre 2019

Developer-agreement-future-agreed-provision

This document is the first Infrastructure Funding Statement (IFS) produced by Dover District Council and covers the period 1st April 2019 to the 31 March 2020.

## WHAT SHOULD THE INFRASTRUCTURE FUNDING STATEMENT CONTAIN?

The Community Infrastructure Levy (CIL) regulations as amended on the 1st September 2019 requires Local Authorities to publish a statement at least once a year that provides the following information;

- 1) A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (CIL).
- 2) A report about CIL, in relation to the previous financial year, which includes matters specified within the regulations.
- 3) A report about planning obligations, in relation to the reported year, which includes matters specified within the regulations This is referred to as the "Section 106 report"

It should be noted that Dover District Council does not operate CIL and therefore has no information to report with respect to items 1 and 2 above. This statement is therefore solely concerned with the matters required to be reported with the "Section 106 Report".

These matters can be summarised as:

- The total amount of money to be provided under any planning obligations within the reported year (1<sup>st</sup> April – 31<sup>st</sup> March).
- The total amount of money under any planning obligations which was received during that reported year.
- The total amount of money under any planning obligations which was received before the reported year which has not been allocated.
- Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year. For affordable housing this should include the total number of units to be provided and for education this should be the total number of school places. Where this cannot be specified, estimates should be given.
- The total allocated but not spent during the reported year. This should include summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item.
- The total spent by the authority during the reported year (which includes transferring it to another person to spend such as KCC). This should include summary details of the items of infrastructure on which the money was spent, and the amount of money spent on each item. Any money spent on repaying money borrowed or on monitoring planning obligations should be explicitly identified.
- The total amount that has been collected during the reported for the purpose of longer-term maintenance (commuted sums) along with total of all monies held for such.

## DEVELOPER CONTRIBUTIONS

The Council mainly secures developers contributions through the mechanism of Section 106 agreements, but guidance allows for contributions to be provided through planning condition(s), S278 Agreements and the Community Infrastructure Levy (CIL).

Planning obligations can be used to help mitigate the impact of unacceptable development to make it acceptable in planning terms. For planning obligations to constitute a reason for granting planning permission they must meet the statutory test laid down in legislation. They must be;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the development.

Developer contributions collected through Section 106 agreements must be used in accordance with the specific requirements defined in the legal agreement to ensure compliance with this legislation.

As set out in the guidance and for the purpose of this report, “allocated” means a decision has been made by the local authority to commit funds to an item of infrastructure or project. For most Section 106 agreements, this decision has been made at the planning application stage with each infrastructure or project requirement specified within the legal agreement.

It is however important to note that “unallocated” money will still be bound by the terms of the Section 106 legal agreement and as a minimum will be required to be spent on the infrastructure type specified within the agreement. Whilst this detail is summarised further within the spreadsheets that accompany this report, for the full details including limitations on spends, reference must always be made back to the individual Section 106 legal agreement.

## PLANNING OBLIGATIONS HELD PRIOR TO 2019-20

As at the 31 March 2019 the Council held a total **£2,557,920** in Section 106 contributions.

Of this figure **£1,626,658** was allocated for specific infrastructure projects as outlined in the Section 106 agreements and **£931,262** was unallocated as at 31 March 2019.

The following table provides a breakdown of the amount of funding held as at the 31 March 2019 and whether it has been allocated or remained unspent and unallocated at this point.

Infrastructure Type	Amount Held as at 31 March 2019	Amount Allocated as at 31 March 2019	Amount Unallocated as March 2019
Adult Social Services	£8,347		£8,347
Affordable Housing	£707,486		£707,486
Community Building	£267,843	£267,843	
Community Learning	£1,666	£1,666	
Green Infrastructure	£6,042	£6,042	
Healthcare	£21,493	£21,493	
Library	£1,429	£1,429	
Monitoring Costs	£10,235	£10,235	
Open Space	£30,678	£10,970	£19,708
Outdoor Sports	£40,059	£6,009	£34,050
Off Site Contribution	£25,808		£25,808
Pitch Contribution	£57,766	£57,766	
Play Space	£232,788	£115,707	£117,081
Public Realm Management (Aylesham development)	£568,100	£568,100	
Public Rights of Way	£631	£631	
Public Transport	£108,926	£108,926	
Social Care	£19,817	£14,750	£5,067
Southwall Road Ditch	£62,244	£62,244	
Spa/Eco Mitigation	£147,521	£147,521	
Sustainable Transport	£225,326	£225,326	
Youth Provision	£13,715		£13,715
<b>Total</b>	<b>£2,557,920</b>	<b>£1,626,658</b>	<b>£931,262</b>

The sum of £568,100 for Public Realm Management (Aylesham development) is being retained by the Council for the long-term maintenance of the public realm at the Aylesham village expansion. It is therefore a requirement of the regulations to report this figure separately.

It should be noted that of the funding held on the 31<sup>st</sup> March 2019 a sum of £36,874 has been transferred to Kent County Council during the reporting year 2019-20. For further details of financial transactions during the reporting year please see Section 3 of this report.

Details of the infrastructure projects that were defined for this Section 106 funding can be found in the individual legal agreements on the spreadsheet; Developer-agreement-financial-contribution-held-pre 2019, or on the relevant planning application on the Council's website.



## PLANNING OBLIGATIONS 2019-20

The total value of monetary obligations agreed in Section 106 agreements in the 2019/20 reporting year is **£2,415,175**.

Non-monetary obligations that were agreed over the same period include;

### 101 affordable housing units

10 units – 17/01530 Land to the rear of Matthews Close & Southwall Road, Deal

14 units – 17/01345 Land at Churchfield Farm, The Street, Sholden

6 units – 18/00242 Land at Summerfield Nursery, Barnsole Road, Staple

6 units – 18/00682 Land at rear of & including 147 St Richards Road, Deal

11 units – 18/00764 Stalco Engineering Works & land rear of and including 126 Mongeham Road, Great Mongeham

10 units – 19/00669 Land between 107 & 127 Capel Street, Capel le Fern

36 units – 19/00243 Land at Woodnesborough Road, Sandwich

8 units – 19/00403 Land at Woodnesborough Lane, Eastry

### Specialist Housing (for the over 55's)

10 units – 19/00403 Land at Woodnesborough Lane, Eastry

### Public accessibly open space with a locally equipped play area

1 x area 17/01345 Land at Churchfield Farm, The Street, Sholden

Table 3.1 outlines the contributions agreed by infrastructure type during the reporting year;

Infrastructure Type	Project Details (where Dover District Council spend)	Total Amount Agreed
<b>Affordable Housing (commuted sum)</b>	<ul style="list-style-type: none"> <li>£75,948 towards the provision of affordable housing within the Dover district.</li> </ul>	£ 75,948
<b>Healthcare/NHS</b>	<ul style="list-style-type: none"> <li>£27,242 towards Investment/internal modelling at Balmoral GP Surgery, Deal</li> <li>£87,000 towards costs of improvements at Pencester Surgery, Dover</li> <li>£18,270 towards the extension of Sandwich Medical Practice, Sandwich</li> <li>£38,845 towards health care facilities in the vicinity of Sholden</li> </ul>	£171,357
<b>Open Space</b>	<ul style="list-style-type: none"> <li>£70,000 towards reconfiguration of existing tennis courts at Victoria Park, Deal An area of</li> </ul>	£155,108

Infrastructure Type	Project Details (where Dover District Council spend)	Total Amount Agreed
	public open space with equipped play area to be provided in Sholden <ul style="list-style-type: none"> <li>• £35,728 for new surface pathways in Pencester Gardens</li> <li>• £13,120 enhancements of facilities at Victoria Park, Deal</li> <li>• £15,000 for sports facilities within the area served by the development (Coombe Valley/Dover urban)</li> <li>• £21,260 to upgrade existing play facilities at the recreation ground on Lancaster Avenue, Capel le Ferne</li> </ul>	
<b>SPA Mitigation</b>	<ul style="list-style-type: none"> <li>• Towards the Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy</li> </ul>	£22,220
<b>Primary Education</b>	KCC to report	£581,700
<b>Secondary Education</b>	KCC to report	£1,343,443
<b>Social Care</b>	KCC to report	£25,530.60
<b>Community Learning</b>	KCC to report	£9,410
<b>Library Contribution</b>	KCC to report	£30,220
<b>Section 106 Monitoring fees</b>		£239
<b>Total</b>		£2,415,175

Table 3.1 shows that education contributions totally £1,925,143 were the largest contribution area, these obligations will go to Kent County Council as Education providers along with contributions for Community Learning, Libraries and Social Care.

Further details of these agreements can be found at: [Developer-agreement-contribution-2020-08-15](#) (add in link)

## FINANCIAL TRANSACTIONS 2019-20

### SECTION 106 FUNDING RECEIVED 2019-20

During this reporting year Dover District Council received **£745,337** in Section 106 funding.

Table 4.1 gives a breakdown of these Section 106 receipts;

Development Providing Contribution	Contribution Category and Provision	Amount	Amount Allocated	Amount Unallocated
<b>Aylesham Village Expansion</b> <b>DOV/07/01081</b>	Community Development Officer (Aylesham) <i>To fund Community Development Officer role at the Aylesham development</i>	£19,707	£19,707	
<b>Aylesham Village Expansion</b> <b>DOV/07/01081</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast and Sandwich Bay SPA Mitigation Strategy</i>	£11,428	£11,428	
<b>Sholden, Church Lane (Timperley Place)</b> <b>DOV/10/01012</b>	Bus Service <i>Connecting the land with Deal town centre along a route agreed between the bus operator and the District Council</i>	£57,318	£57,318	
<b>Land at Canterbury Road, Lydden</b> <b>DOV/15/01184</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£2,172	£2,172	
<b>Land at Co-op Foodstore, Deal</b> <b>DOV/18/01084</b>	Tree Contribution <i>Towards off site tree planting including the long-term maintenance of such trees within Deal town centre</i>	£15,000	£15,000	
<b>Land adjoining Mill Field, New Street, Ash</b> <b>DOV/15/01225</b>	Affordable Housing <i>Towards the cost of providing affordable housing in the district of Dover</i>	£122,128		£122,128
<b>New Dover Road, Capel-le-Ferne</b> <b>DOV/15/00525</b>	Affordable Housing <i>Off-site contribution towards affordable housing in the Dover district</i>	£328,526		£328,526

Development Providing Contribution	Contribution Category and Provision	Amount	Amount Allocated	Amount Unallocated
<b>New Dover Road, Capel-le-Ferne</b> <b>DOV/15/00525</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£2,410	£2,410	
<b>Land to the rear of Hyton Drive &amp; Roman Close, Deal</b> <b>DOV/16/01476</b>	GP Services <i>Towards GP practices near Church Lane and or Manor Road, Golf Road, Cedars or Balmoral</i>	£33,894	£33,894	
<b>Land to the rear of Hyton Drive &amp; Roman Close, Deal</b> <b>DOV/16/01476</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£1,847	£1,847	
<b>Land to the rear of Hyton Drive &amp; Roman Close, Deal</b> <b>DOV/16/01476</b>	Playing Pitch <i>Towards refurbishment of a playing pitch at Marke Wood Recreation Park</i>	£14,552	£14,552	
<b>Land at the former Barracks Site (east section), Trafalgar Drive, Walmer</b> <b>DOV/16/00017</b>	Affordable Housing <i>Towards the provision of affordable housing in the Dover district</i>	£75,340		£75,340
<b>Land at the former Barracks Site (east section), Trafalgar Drive, Walmer</b> <b>DOV/16/00017</b>	Play Equipment <i>Towards the provision of additional play equipment at the Marke Wood play area</i>	£22,765	£22,765	
<b>Land at the former Barracks Site (east section), Trafalgar Drive, Walmer</b> <b>DOV/16/00017</b>	Open Space <i>Towards increasing the capacity of existing open space provision within the Marke Wood site</i>	£10,945	£10,945	
<b>Part of Wingham Court, Hawarden Place, Canterbury Road, Wingham</b> <b>DOV/17/00387</b>	NHS Contribution <i>Towards investment in Wingham Surgery to support additional patients which will be generated by the development</i>	£8,178	£8,178	

Development Providing Contribution	Contribution Category and Provision	Amount	Amount Allocated	Amount Unallocated
<b>Land at Weighside House, Sandwich Road, Whitfield</b> <b>DOV/17/00826</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£1,082	£1,082	
<b>Former Greyhound Public House, Dorman Avenue South, Aylesham</b> <b>DOV/17/00892</b>	Library <i>Towards the provision of additional book stock at Aylesham Library</i>	£836	£836	
<b>Former Greyhound Public House, Dorman Avenue South, Aylesham</b> <b>DOV/17/00892</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£762	£762	
<b>2-9 Cambridge Terrace, Dover</b> <b>DOV/17/00962</b>	Public Open Space	£12,834		£12,834
<b>2-9 Cambridge Terrace, Dover</b> <b>DOV/17/00962</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£976	£976	
<b>2-9 Cambridge Terrace, Dover</b> <b>DOV/17/00962</b>	Library	£1,254	£1,254	
<b>The Qube, St Radigunds Road, Dover</b> <b>DOV/17/00776</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£727	£727	
<b>Land adjoining 1 Malvern Road, Dover</b> <b>DOV/18/00468</b>	SPA Mitigation Strategy <i>Towards the Thanet Coast &amp; Sandwich Bay SPA Mitigation Strategy</i>	£655	£655	
<b>Total</b>		£745,337	£206,508	£538,828

In addition to the financial sums received over this period 37 affordable housing units were delivered - 18 units in Church Lane, Deal, 16/01476 and 19 units in Aylesham Phase 1B, 07/01081

17 affordable rent, 2 social rent & 18 shared ownership units.

## SECTION 106 FUNDING SPENT/TRANSFERRED IN 2019-20

During the 2019-20 reporting year the Council spent or transferred **£168,861** of Section 106 funding.

Table 4.2 provides a more detailed look at this figure;

<b>Contribution Purpose</b>	<b>Funding Status</b>	<b>Amount</b>
<b>Affordable Housing</b>	Spent	£20,234
	<i>Housing development at Foxborough Close, Woodnesborough</i>	
<b>Bus Service Contribution</b>	Spent	£91,250
	<i>Provision of a bus service from the development to Deal town centre along an agreed route with the bus operator and Council</i>	
<b>Library</b>	Transferred	£661
	<i>Funds transferred to Kent County Council to provide additional library resources within Deal</i>	
<b>Education and Social Care Facilities</b>	Transferred	£5,067
	<i>Funds transferred to Kent County Council for education services and social care facilities</i>	
<b>Adult Social Services</b>	Transferred	£2,586
	<i>Funds transferred to Kent County Council for provision of adult social services and social care facilities</i>	
<b>Health Centre Rent</b>	Transferred	£21,493
	<i>Funds transferred to Kent County Council for Carers' Support East Kent to rent space at the Aylesham Health Centre</i>	
<b>Adult Social Services</b>	Transferred	£3,408
	<i>Funds transferred to Kent County Council for provision of adult social services</i>	
<b>Public Rights of Way</b>	Transferred	£540
	<i>Funds transferred to Kent</i>	

Contribution Purpose	Funding Status	Amount
	<i>County Council for repair work to public rights of way ER72</i>	
<b>Library</b>	Transferred	£767
	<i>Funds transferred to Kent County Council for Library provision in the district</i>	
<b>Adult Social Services</b>	Transferred	£2,352
	<i>Funds transferred to Kent County Council for Adult Social Services provision in the district</i>	
<b>SPA Mitigation Strategy</b>	Spent	£795
	<i>Paid to Blackwood Bayne Consulting for monitoring the SPA Mitigation Strategy</i>	
<b>Community Development Officer</b>	Spent	£19,707
	Funding to Dover District Council	
	<b>Total</b>	<b>£168,861</b>

## MONEY BORROWED

During the 2019-20 reporting year no Section 106 money was spent on repaying borrowed money.

## MONEY RETURNED

The Council has not returned any S106 funding to developers over the monitoring year for a failure to perform obligations set out in any legal agreement or any other reason.

## EXAMPLES OF INFRASTRUCTURE DELIVERED BY SECTION 106 FUNDING

The images below display some recently delivered local infrastructure projects that have benefited from S106 funding;

### Image of new play area at North Deal playing fields



This play area benefited from S106 funding from the Cannon Street development 09/00873 and the Former Bede & Dunstan House 13/00522

### Improvements to surfacing at Pencester Gardens play area, Dover



Pencester Gardens benefited from S106 funding from the development at 70 Maison Dieu Road, Dover 10/00399



The William Pitt play area refurbishment



This play refurbishment scheme benefited from S106 funding from development at Land North East of Sandwich Road, (A258) and north west of Sholden New Road 10/01065.

Upgrade to play area at Colton Crescent, Peverell Road, Dover



Colton Crescent play area benefited from funding received from the development at Land rear of Old Park Close, Dover 12/00045.

The newly built Woodnesborough Village Hall



The new village hall in Woodnesborough was constructed as part of planning application 11/00965 and benefited from additional S106 funding from the development at Hammill Brickworks 12/00460.

Play area at Woodnesborough



The new play area in the parish of Woodnesborough benefited from S106 funding from the development at Laslett's Yard, Marshborough Road 14/00037.

Examples of two recent affordable housing schemes that benefited from S106 funding



Affordable housing at Adelaide Road, Elvington

Which benefited from S106 funding from developments at 59 The Marina, Deal 12/00455 and Land rear of Old Park Close, Dover 12/00045



Affordable housing at George Close, Capel le Ferne

Which received S106 funding from the developments at 152-154 Gladstone Road, Deal 11/00940, St John's Ambulance Hall, Mill Hill, Deal 13/01008 and Hope Inn, St Margarets at Cliffe 15/00120

Further details of the financial transactions concerning Section 106 funding can be found on this link [Developer-agreement-transaction-2019-20](#) (insert link)

## FUTURE DELIVERY & PROVISION OF INFRASTRUCTURE

### FUTURE SPENDING PRIORITIES

Government guidance states that Infrastructure Funding Statements should set out future spending priorities on infrastructure & affordable housing in line with up to date or emerging plan policies.

Dover District Council is currently reviewing its Core Strategy (2010) and other development plan documents and is undertaking a number of evidence base studies to inform the new local plan including a Local Plan Viability Study. As this process progresses it is hoped that an update on future Infrastructure requirements and priorities can be provided in later versions of the Infrastructure Funding statement.

As at the end of the reporting year 2019-20 a significant amount of unallocated funding held by the Council relates to affordable housing provision, with £1,213,246<sup>1</sup> in available funding for this purpose. Ensuring this funding is allocated to an appropriate affordable housing project is therefore identified as a spending priority over the next year.

The Infrastructure Delivery Plan from the existing Core Strategy is appended to this document for information on current identified infrastructure requirements.

### ESTIMATED FUTURE INCOME

At the end of the reporting year 2019-20 the Council holds £3,134,396 in Section 106 funding. This figure includes the balance of any receipts held before 2019-20 and the net result of any financial transactions from this reporting year as identified earlier in this report. A further £19,120 of this figure will be transferred to KCC in due course.

Whilst it is difficult to predict what future Section 106 income might look like due to a number of uncertainties the Council is able to examine the current levels of infrastructure provision in existing Section 106 agreements that are yet to be realised. Providing a picture of how much funding could be received from developer contributions if everything that has been agreed is paid at current amounts.

Table 5.1 provides an estimated future infrastructure income figure by broad infrastructure type. This figure has been calculated by adding up all the pending Section 106 payments (on extant planning permissions) that have been agreed but not yet triggered.

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<sup>1</sup> Note this figure includes funds awaiting clearance at time of writing.

Type of Infrastructure	Amount
Adult Social Services/Social Care	£252,440
Affordable Housing (Commuted Sum)	£1,311,650
Affordable Housing on Site provision	156 housing units
Public Transport Improvements	£2,981,326
Healthcare	£634,106
Play Space Provision	£145,644
Community Development Officer (Aylesham)	£65,847
Community Learning	£15,179
Highways and Public Rights of Way	£124,000
SPA Mitigation/Ecological Mitigation	£115,269
Primary Education	£3,441,368
Secondary Education	£2,534,117
Total Education	£9,475,484 <sup>2</sup>
Open Space Provision	£228,574
Sports and Leisure Provision	£1,668,459
Library	£121,178
Monitoring Costs	£86,714
Public Realm Management (Aylesham)	£961,000
Restricted Age Dwellings	10 housing units
Waste & Recycling	£4,038
Youth Services Provision	£235,317
<b>Overall Total</b>	<b>£18,426,224</b>

Table 5.1 shows that if all the pending Section 106 funding were to be paid the district and county council could receive £18,426,224 in contributions. The largest contribution areas being Education, Public Transport, Sports and Leisure Provision and Affordable Housing (commuted sums).

Whilst these figures look healthy, it is prudent to review them with some caution as there can be many reasons why agreed Section 106 funding is not received for example planning applications can lapse before implementation and developers can apply to vary the terms of Section 106 agreements.

The potential future Section 106 provision shown above has been grouped together into categories for illustrative purposes. However, these combined sums represent funding across many individual Section 106 agreements under which monies will be received at differing times. Reference should therefore be made to the spreadsheet developer-agreement-future-agreed-provision (insert link) for further details.

Developer contributions collected through Section 106 agreements must be spent on the infrastructure type and project identified in the legal agreement otherwise the Council could be in breach of the legal agreement and open to legal challenge from the developer. Therefore, it is important that the Council requests funding for infrastructure requirements and identified priorities in a cohesive way to successfully deliver infrastructure projects.

<sup>2</sup> This figures is made up of a further £3,441,368 general school contribution

The future S106 funding has been broken down further into whether it is anticipated it will be received in the short term i.e the next 1-2 years, medium term 3-5 years, or long term 5 years and above. These assumptions have been formed in line with the Council's Housing Information Audit and Phasing Schedule.

The following table provides a broad overview of when future provision is expected to be received if the phasing assumptions in the Housing Information Audit occur as predicted.

	Short Term 1-2 years	Medium 3-5 years	Long 5 years+	Total
<b>Total monetary contributions</b>	£6,077,270	£4,665,667	£7,683,289	£18,426,226
<b>On site affordable housing units</b>	12	73	71	156

The following tables provide a further breakdown of possible future funding into infrastructure type and likely payment term.

#### Healthcare – anticipated payment in the short term 1-2 years

Provision	Amount
<b>Rent of facilities/accommodation at Aylesham Health Centre</b>	£39,008
<b>Investment in Wingham Surgery</b>	£7,812
<b>Towards GP practices near Church Lane, and or Manor Road, Golf Road, Cedars or Balmoral, Deal</b>	£32,958
<b>Investment/Internal re-modelling works at Balmoral Surgery, Deal</b>	£12,966
<b>Total</b>	<b>£92,744</b>

#### Healthcare – anticipated payment in the medium term 3-5 years

Provision	Amount
<b>Rent of facilities/accommodation at Aylesham Health Centre</b>	£234,048
<b>Expansion of Ash Doctors Surgery, Chilton Place, Ash</b>	£112,655
<b>Total</b>	<b>£346,703</b>

**Healthcare – anticipated payment in the long term 5 years +**

Provision	Amount
Rent of facilities/accommodation at Aylesham Health Centre	£36,268
Investment/Internal re-modelling works at Balmoral Surgery, Deal	£14,276
Improvements to the Pencester Surgery, Dover	£87,000
Towards extension of Sandwich Medical Practice	£18,270
Provision of healthcare in the vicinity of Sholden	£38,845
<b>Total</b>	<b>194,659</b>

No play space contributions are anticipated in the short term.

**Play Space -anticipated payment in the medium term 3-5 years**

Provision	Amount
Towards the costs of upgrading facilities at Wootton & Denton cricket recreation ground	£21,338
Towards improvements or maintenance of the existing play area in Queens Road, Ash	£60,912
Towards enhancement of equipped play space at Pencester Gardens in Dover	£10,394
<b>Total</b>	<b>£92,644</b>

**Play Space -anticipated payment in the long term 5 years +**

Provision	Amount
Provision and or improvement in St Radigunds Ward or adjoining ward	£53,000
<b>Total</b>	<b>£53,000</b>

**Open Space - anticipated payment in the short term 1-2 years**

Provision	Amount
Towards a skate park to be provided by the Aylesham parish council	£5,414
Towards the enhancement of facilities at Victoria Park	£13,120
<b>Total</b>	<b>18,534</b>

**Open Space - anticipated payment in the medium term 3-5 years**

Provision	Amount
Towards the provision of additional capacity at the north deal playing field play area	£56,834
Towards the provision of new surfacing to pathways in Pencester gardens	£35,728
<b>Total</b>	<b>£92,562</b>

**Open Space - anticipated payment in the long term 5 years+**

Provision	Amount
Towards increasing the capacity of Stombers lane park play area	£11,218
Towards the reconfiguration of the existing tennis courts at Victoria Park, Deal for tennis and netball use	£70,000
Towards the district council's expenditure on sports facilities within the area served by the development (Sholden)	£15,000
Towards upgrading the existing play facilities at the recreation ground on Lancaster Avenue, Capel le Ferne	£21,260
Public open space to be provided on site including locally equipped area of play	Non-monetary
<b>Total</b>	<b>117,478</b>

**Sport/Leisure – anticipated payment in short term 1-2 years**

Provision	Amount
Provision of New Sports hall & facilities at Aylesham and District Welfare Club	£720,000
Upgrading and enhancing sports facilities in the Whitfield Dover area and / or in the vicinity of the development	£150,000
Upgrading the existing sports pitch at Marke Wood recreation ground or at drill field	£75,000
Towards the provision of outdoor sports facilities within the vicinity of the development (Guston)	£10,000
Towards refurbishment of a playing pitch at Marke Wood recreation park	£14,150
<b>Total</b>	<b>£969,150</b>



### Sport/Leisure – anticipated payment in medium term 3-5 years

Provision	Amount
<b>Towards the provision of outdoor sports facilities within the vicinity of the development (Guston)</b>	£10,000
<b>Towards the costs of increasing capacity of recreational sites within Deal</b>	£33,900
<b>To carry out works at Ash recreation ground</b>	£28,000
<b>Towards the improvement of the changing facilities at the existing sports pavilion at Ash Recreation ground</b>	£10,900
<b>Towards an enhanced maintenance regime at Dover Rugby Football Club</b>	£6,809
<b>Total</b>	<b>£89,609</b>

### Sport/Leisure – anticipated payment in long term 5 years+

Provision	Amount
<b>Upgrading and enhancing sports facilities in the Whitfield Dover area and / or in the vicinity of the development</b>	£609,700
<b>Total</b>	<b>£609,700</b>

Forecasting when potential S106 funding should be available to the Council to spend will assist in the planning and delivery of necessary infrastructure projects.

Figure 5.1 shows the amount of Section 106 funding received by Dover District Council over the last five years;

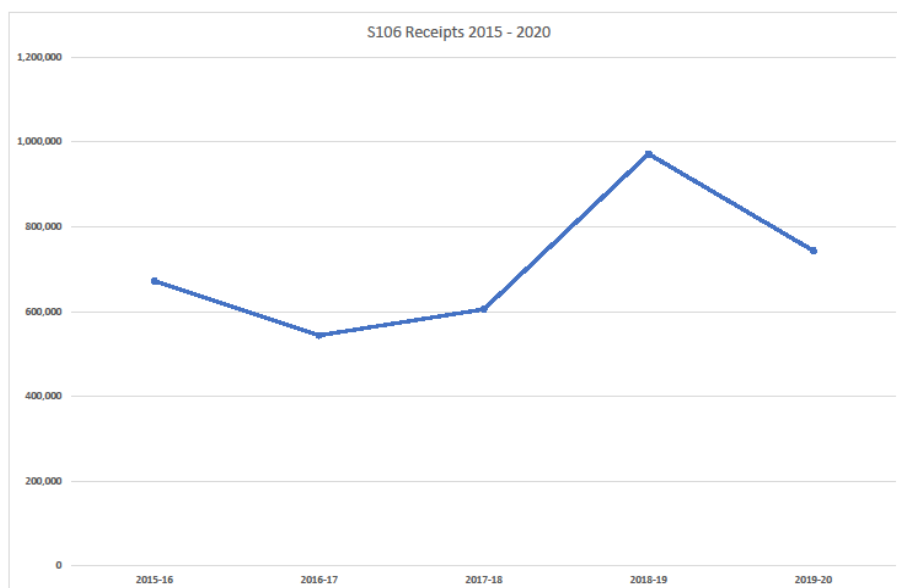


Figure 5.1 shows the upward trend in Section 106 receipts over the last five years. Funding receipts have been within a range of £543,703 - £971,612 over this time period. It is anticipated receipts will rise again in the next reporting year as the development in Aylesham has met a key milestone in Section 106 triggers.

Further details of future Section 106 funding and infrastructure provision can be found on this link [Developer-agreement-future-agreed-provision \(insert link\)](#)

## Appendices

### Infrastructure Delivery Table

Infrastructure Type	Infrastructure Required	Broad Timing	Comment
Transport	Terminal 2 - Dover Western Docks Ferry Terminal (Port of Dover Masterplan)	2006-2011 2011-2016 2016-2021 2021-2026	A Harbour Revision Order was granted for Terminal 2 in November 2011 and work on the remainder of the Dover West Docks is ongoing. A new marina pier was opened in May 2019.
Transport (cont)	Package of sustainable transport measures for Dover (identified in Dover Transport Strategy)	2006-2011 2011-2016 2016-2021 2021-2026	Dover District Council, working in partnership with KCC Highways and Highways England have commissioned WSP/Parsons Brinckerhoff to prepare the Dover/Deal Transportation Study. Part of this commission involves reviewing and updating the Dover Transportation Strategy and using the updated Model to test sites that have come forward through the HELAA process.
	Dover town centre to Whitfield express bus link (Dover Transport Strategy)	2006-2011 2011-2016 2016-2021 2021-2026	Dover District Council has been awarded £15.8m from the Government's Housing Infrastructure Fund to support a Bus Rapid Transit Between Whitfield, Dover town centre and Dover Priory Railway station.
	Identification of access arrangements into Whitfield from A2 and A256	2006-2011 2011-2016 2016-2021 2021-2026	Construction of a roundabout on the A256 is complete and work underway on the BRT.
Affordable Housing	Provision of forms of non-market housing - the Regional Spatial Strategy seeks 30% of total	2006-2011 2011-2016 2016-2021 2021-2026	During the monitoring period of 2019/20, 37 affordable housing units were completed. These units were completed throughout

	housing completions to be affordable. This equates to at least 3,030 affordable homes by 2026 and 4,200 in relation to the Strategy's total provision of 14,000 homes. (see also the Strategic Housing Market Assessment)		the District.
Education	New secondary school facilities in Dover and Deal	2006-2011 2011-2016 2016-2021 2021-2026	A £11m new build and refurbishment project creating state of the art facilities has recently been completed at Dover Christ Church Academy.
	Primary School provision	2006-2011 2011-2016 2016-2021 2021-2026	Planning permission has been granted for a new primary school on Phase 1c , of the WUE which is due to be opened by Autumn 2020. Work is underway on a Replacement 2 storey Junior school building at Barton County Primary School, Dover.
Health	Replacement facility for Buckland Hospital, Dover (PCT/Hospital Trust programme)	2006-2011 2011-2016 2016-2021 2021-2026	
	Two/ three new general practitioner based facilities in Dover (PCT advice 2008).	2006-2011 2011-2016 2016-2021 2021-2026	There has been a resolution to grant planning permission for a new Health Care facility in the Village Centre as part of the Whitfield urban expansion.
Social Infrastructure	Replacement indoor sport and recreation facility, Dover	2006-2011 2011-2016 2016-2021 2021-2026	A new 26m district Leisure Centre opened in February 2019 which includes the first County standard eight lane Competition swimming pool.
	Indoor sports facility at Aylesham (District	2006-2011 2011-2016	Phase 1 of the Aylesham Welfare Leisure Centre

	Sport and Recreation Strategy 2008)	2016-2021 2021-2026	opened in October 2011. Phase II, the indoor sports facility, will be funded via development contributions once a significant number of dwellings are occupied in the Aylesham expansion area.
	Two artificial turf pitches (floodlight, full size) (District Sport & Recreation Strategy 2008)	2006-2011 2011-2016 2016-2021 2021-2026	Replacement of worn out facility at Dover which is still required. New facility at Sandwich, provided 2008/09.
	Adult social services - Local Hubs, day activities for older people including dementia care, Telecare services, Adult Changing Places and drop in service for people with learning disabilities, short term breaks/Training for life flats	2006-2011 2011-2016 2016-2021 2021-2026	During the monitoring period, there were no adult social services or local hub related projects in the Dover District however the Council is continuing to engage with KCC on the County Council's aspirations to improve services offered from Discovery Centre, so it can function as a hub.
Green Infrastructure	Wetland nature reserve - Worth Minnis (Regional Spatial Strategy Policy EKA7)	2006-2011 2011-2016 2016-2021 2021-2026	Work has now been completed on this project.
	Improve condition of AONB, especially chalk grassland (Kent Wildlife Habitat Survey 2003 and Kent Downs AONB Management Plan)	2006-2011 2011-2016 2016-2021 2021-2026	Up on the Downs has created, restored and improved 175ha of chalk grassland habitat for the benefit of wildlife and people within and adjacent to the AONB, including the creation of two new nature reserves.  Kearnsy Parks HLF project is underway, which includes plans to restore about 0.5ha of chalk grassland.
	Improve condition of Kingsdown to Walmer Local Wildlife Site (Kent Area Agreement 2008)	2006-2011 2011-2016 2016-2021 2021-2026	Management plan developed. Local progress being undertaken in discharge of a unilateral

			Undertaking linked to Planning permission DOV/12/00770.
	Develop Green Infrastructure Framework	2006-2011 2011-2016 2016-2021 2021-2026	The Green Infrastructure Strategy is being updated as part of the Local Plan Review.
Utility Services	Water supply (Water Cycle Study 2008)	2006-2011 2011-2016 2016-2021 2021-2026	Discussions are ongoing with Affinity Water/Southern Water regarding the supply of water to enable the district's growth aspiration to be delivered.
	Waste water system (Water Cycle Study 2008)	2006-2011 2011-2016 2016-2021 2021-2026	As above.
	Gas mains	2006-2011 2011-2016 2016-2021 2021-2026	The planning applications for Phase 1 and 1a at Whitfield include gas main reinforcement works to ensure supplies to 2,600 dwellings
	Electricity supply (EDF Energy Assessment 2008)	2006-2011 2011-2016 2016-2021 2021-2026	The planning applications for Phase 1 and 1a at Whitfield include works to an existing substation which would support some 3,000 dwellings
Flood Defences	New flood defence system required from Sandwich to Pegwell Bay	2006-2011 2011-2016 2016-2021 2021-2026	Sandwich flood defences were completed during the summer of 2015. In March and April 2016 the Kingsdown sea defence scheme was implemented.

# Appendix 2

developer-agreement	contribution-purpose	date-payment-receive	amount-available at	amount-allocated	amount-unspent	time-limit	entry-date	end-date
DOV-07-01081-da	health centre rent	2017-08-01	£21,493	21,493		0 10 years	2017-08-01	
DOV-07-01081-da	public realm management	2015-08-03	£105,048	£105,048		10 years	2020-09-01	
DOV-07-01081-da	public realm management	2018-10-09	£228,583	£228,583		10 years	2020-09-01	
DOV-07-01081-da	public realm management	2019-04-16	£234,468	£234,468		10 years	2020-09-01	
DOV-07-01081-da	youth provision	2015-08-03	£4,000		£4,000	10 years	2020-09-02	
DOV-07-01081-da	youth provision	2018-10-09	£9,715		£9,715	10 years	2020-09-02	
DOV-07-01081-da	sustainable transport improver	2018-10-09	£224,773	£224,773		£0 10 years	2020-09-02	
DOV-07-01081-da	Thanet Coast SPA Mitigation St	2017-08-01	£9,832	£9,832		£0 10 years	2020-09-02	
DOV-07-01081-da	Thanet Coast SPA Mitigation St	2018-12-18	£11,902	£11,902		£0 10 years	2020-09-02	
DOV-09-00873-da	childrens play space	2016-05-24	£6,726	£6,726		£0 10 years	2020-09-02	
DOV-10-00399-da	adult social services	2011-05-31	£3,408		£3,408			
DOV-12-00455-da	affordable housing	2018-07-31	£7,779		£7,779	10 years	2020-09-02	
DOV-07-00394-da	childrens play space	2013-02-06	£17,056		£17,056		2020-09-02	
DOV-12-00770-da	ecological mitigation	2013-11-06	£570	£570		£0	2020-09-02	
DOV-12-00045-da	childrens play space	2014-02-13	£129	£129		£0	2020-09-02	
DOV-12-00045-da	public rights of way	2014-02-13	£631	£631		£0	2020-09-02	
DOV-12-00045-da	Thanet Coast SPA Mitigation St	2014-02-13	£497	£497		£0	2020-09-02	
DOV-12-00311-da	Thanet Coast SPA Mitigation St	2014-03-25	£1,844	£1,844		£0	2020-09-02	
DOV-12-00311-da	childrens play space	2014-03-25	£46,701		£46,701		2020-09-02	
DOV-10-01065-da	childrens play space	2014-05-07	£38,992		£38,992	5 years	2020-09-02	
DOV-13-00522-da	Thanet Coast SPA Mitigation St	2013-11-13	£693	£693		£0 15 years	2020-09-02	
DOV-10-1011-da	Thanet Coast SPA Mitigation St	2014-10-03	£5,211	£5,211		£0 15 years	2020-09-02	
DOV-10-1011-da	monitoring costs	2014-10-03	£5,071	£5,071		£0 15 years	2020-09-02	
DOV-10-1011-da	monitoring costs	2016-03-21	£5,164	£5,164		£0 15 years	2020-09-02	
DOV-10-1012-da	Southwall Road ditch contribut	2015-07-30	£62,244	£62,244		£0 10 years	2020-09-02	
DOV-10-1012-da	Thanet Coast SPA Mitigation St	2015-07-30	£10,820	£10,820		£0 10 years	2020-09-02	
DOV-10-1012-da	bus services contribution	2017-07-03	£108,926	£108,926		£0 10 years	2020-09-02	
DOV-09-01187-da	childrens play space	2015-12-04	£17,188	£17,188		£0 10 years	2020-09-02	
DOV-14-01192-da	affordable housing	2015-10-19	£151,252		£151,252	10 years	2020-09-02	
DOV-12-00700-da	affordable housing	2016-10-07	£37,169		£37,169		2020-09-02	
DOV-12-00700-da	affordable housing	2017-06-13	£34,269		£34,269		2020-09-02	
DOV-12-00460-da	open space	2018-04-09	£9,686		£9,686	10 years	2020-09-02	
DOV-12-00460-da	Thanet Coast SPA Mitigation St	2016-08-17	£1,668	£1,668		£0 10 years	2020-09-02	
DOV-12-00460-da	affordable housing	2017-06-28	£122,362		£122,362	10 years	2020-09-02	
DOV-12-00460-da	affordable housing	2018-09-10	£128,457		£128,457	10 years	2020-09-02	
DOV-14-00842-da	green infrastructure	2016-07-06	£6,042	£6,042		£0 10 years	2020-09-02	
DOV-14-00842-da	village hall contribution	2017-12-19	£267,843	£267,843		£0 10 years	2020-09-02	
DOV-14-00842-da	outdoor sports contribution	2018-04-05	£16,850		£16,850	10 years	2020-09-02	
DOV-14-00842-da	outdoor sports contribution	2018-12-31	£17,200		£17,200	10 years	2020-09-02	
DOV-13-00120-da	aylesham primary school pitch	2016-11-01	£57,766	£57,766		£0 10 years	2020-09-02	
DOV-13-00120-da	Ratling Road and play area con	2016-11-01	£85,181	£85,181		£0 10 years	2020-09-02	
DOV-10-01132-da	library	2016-12-15	£767	£767		£0 10 years	2020-09-02	
DOV-10-01132-da	adult social services	2016-12-15	£2,352		£2,352	10 years	2020-09-02	
DOV-10-01010-da	Thanet Coast SPA Mitigation St	2017-03-23	£64,205	£64,205		£0	2020-09-02	
DOV-15-00327-da	outdoor sports contribution	2018-07-26	£6,009	£6,009		£0 10 years	2020-09-02	
DOV-15-00327-da	affordable housing	2018-12-05	£19,500		£19,500	10 years	2020-09-02	
DOV-15-01167-da	play area contribution	2017-03-09	£6,483	£6,483		£0 10 years	2020-09-02	
DOV-15-00749-da	habitats regulation mitigation	2017-07-04	£1,351	£1,351		£0	2020-09-02	
DOV-15-01225-da	open space	2018-08-29	£6,358	£6,358		£0 10 years	2020-09-02	
DOV-16-00017-da	Thanet Coast SPA Mitigation St	2018-12-21	£1,919	£1,919		£0 10 years	2020-09-02	
DOV-13-00261-da	childrens play space	2018-11-15	£14,332		£14,332	10 years	2020-09-02	
DOV-13-00261-da	Thanet Coast SPA Mitigation St	2018-11-15	£1,077	£1,077		£0 10 years	2020-09-02	
DOV-16-00136-da	social care contribution	2019-01-10	£10,950	£10,950		£0	2020-09-02	
DOV-16-00136-da	off site contribution	2019-01-10	£25,808		£25,808		2020-09-02	
DOV-16-00136-da	sac contribution	2018-10-23	£9,060	£9,060		£0	2020-09-02	
DOV-18-00777-da	community learning	2018-11-23	£1,666	£1,666		£0	2020-09-03	
DOV-18-00777-da	social care contribution	2018-11-23	£3,801	£3,801		£0	2020-09-03	
DOV-18-00777-da	open space	2018-11-23	£10,022		£10,022		2020-09-03	
DOV-18-00777-da	Thanet Coast SPA Mitigation St	2018-11-23	£2,132	£2,132		£0	2020-09-03	
DOV-16-00521-da	affordable housing	2019-10-10	£206,697		£206,697	10 Years	2020-09-03	
DOV-16-00521-da	open space	2019-10-10	£4,612	£4,612		£0 10 Years	2020-09-03	
DOV-14-00361-da	ecological mitigation	2019-03-13	£11,647	£11,647		£0 10 years	2020-09-03	
DOV-14-00361-da	sustainable transport	2019-03-13	£553	£553		£0 10 years	2020-09-03	
DOV-16-00046-da	Thanet Coast SPA Mitigation St	2019-01-25	£13,092	£13,092		£0	2020-09-03	
DOV-13-01008-da	library	2018-10-05	£661	£661		£0 10 years	2020-09-03	
DOV-13-01008-da	education services and social c	2018-10-05	£5,067		£5,067	10 years	2020-09-03	
DOV-13-01008-da	adult social services	2018-10-05	£2,587		£2,587	10 years	2020-09-03	
			£2,557,918	£1,626,656	£931,262			



developer-agreement	organisation	entry-date	start-date	end-date	planning-application	document-url	developer-agreement-type
DOV-17-01530-da	local-authority-eng:DOV	2020-08-15	2019-04-30		DOV-17-01530		section-106
DOV-18-00125-da	local-authority-eng:DOV	2020-08-15	2019-05-15		DOV-18-00125		section-106
DOV-17-01345-da	local-authority-eng:DOV	2020-08-15	2019-06-17		DOV-17-01345		section-106
DOV-18-01322-da	local-authority-eng:DOV	2020-08-15	2019-07-09		DOV-18-01322		section-106
DOV-19-00571-da	local-authority-eng:DOV	2020-08-15	2019-07-11		DOV-19-00571		section-106
DOV-18-00888-da	local-authority-eng:DOV	2020-08-15	2019-07-22		DOV-18-00888		section-106
DOV-18-00242-da	local-authority-eng:DOV	2020-08-15	2019-07-26		DOV-18-00242		section-106
DOV-18-01169-da	local-authority-eng:DOV	2020-08-15	2019-08-01		DOV-18-01169		section-106
DOV-16-00136-da	local-authority-eng:DOV	2020-08-15	2019-08-09		DOV-16-00136		section-106
DOV-18-01000-da	local-authority-eng:DOV	2020-08-15	2019-10-02		DOV-18-01000		section-106
DOV-18-00682-da	local-authority-eng:DOV	2020-08-15	2019-10-18		DOV-18-00682		section-106
DOV-17-00831-da	local-authority-eng:DOV	2020-08-15	2019-11-15		DOV-17-00831		section-106
DOV-17-01523-da	local-authority-eng:DOV	2020-08-15	2019-11-21		DOV-17-01523		section-106
DOV-18-00764-da	local-authority-eng:DOV	2020-08-15	2019-11-22		DOV-18-00764		section-106
DOV-19-00669-da	local-authority-eng:DOV	2020-08-15	2019-12-18		DOV-19-00669		section-106
DOV-19-00243-da	local-authority-eng:DOV	2020-08-15	2019-12-19		DOV-19-00243		section-106
DOV-19-00403-da	local-authority-eng:DOV	2020-08-15	2020-02-06		DOV-20-00403		section-106
DOV-16-01101-da	local-authority-eng:DOV	2020-08-15	2020-02-14		DOV-16-01101		section-106
DOV-19-01317-da	local-authority-eng:DOV	2020-08-15	2020-02-26		DOV-19-01317		section-106
DOV-19-00574-da	local-authority-eng:DOV	2020-08-15	2020-02-26		DOV-19-00574		section-106
DOV-19-00669-da	local-authority-eng:DOV	2020-08-15	2020-02-27		DOV-19-00669		section-106
DOV-19-00462-da	local-authority-eng:DOV	2020-08-15	2020-03-11		DOV-19-00462		section-106

developer-agreement-contribution	developer-agreement	contribution-purpose	contribution-category	amount (£) units	housing un	entry-date	start-date	end-date
DOV-17-01530-da-con-1	DOV-17-01530-da	affordable-housing	affordable-housing		10	2020-08-15	2019-04-30	
DOV-17-01530-da-con-2	DOV-17-01530-da	community-facilites	community learning	1,615.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-3	DOV-17-01530-da	community-facilites	library	3,025.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-4	DOV-17-01530-da	health	NHS	14,276.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-5	DOV-17-01530-da	open-space-and-leisure	open space	70,000.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-6	DOV-17-01530-da	education	primary education	164,538.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-7	DOV-17-01530-da	education	secondary education	203,695.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-8	DOV-17-01530-da	community-facilites	social care	4,804.00 £		2020-08-15	2019-04-30	
DOV-17-01530-da-con-9	DOV-17-01530-da	other	SPA Mitigation	2,897.00 £		2020-08-15	2019-04-30	
DOV-18-00125-da-con-1	DOV-18-00125-da	open-space-and-leisure	local play area	tba		2020-08-15	2019-05-15	
DOV-18-00125-da-con-2	DOV-18-00125-da	affordable-housing	affordable-housing	tba		2020-08-15	2019-05-15	
DOV-18-00125-da-con-3	DOV-18-00125-da	community-facilites	library	tba		2020-08-15	2019-05-15	
DOV-18-00125-da-con-4	DOV-18-00125-da	other	SPA Mitigation	tba		2020-08-15	2019-05-15	
DOV-17-01345-da-con-1	DOV-17-01345-da	affordable-housing	affordable-housing		14	2020-08-15	2019-06-17	
DOV-17-01345-da-con-2	DOV-17-01345-da	land	open space			2020-08-15	2019-06-17	
DOV-17-01345-da-con-3	DOV-17-01345-da	health	healthcare	38,845.00 £		2020-08-15	2019-06-17	
DOV-17-01345-da-con-4	DOV-17-01345-da	other	SPA Mitigation	tba £		2020-08-15	2019-06-17	
DOV-17-01345-da-con-5	DOV-17-01345-da	education	primary education	159,552.00 £		2020-08-15	2019-06-17	
DOV-17-01345-da-con-6	DOV-17-01345-da	education	secondary education	197,520.00 £		2020-08-15	2019-06-17	
DOV-17-01345-da-con-7	DOV-17-01345-da	community-facilites	library	2,304.96 £		2020-08-15	2019-06-17	
DOV-18-01322-da-con-1	DOV-18-01322-da	community-facilites	library	2,209.00 £		2020-08-15	2019-07-09	
DOV-18-01322-da-con-2	DOV-18-01322-da	open-space-and-leisure	open space	35,728.00 £		2020-08-15	2019-07-09	
DOV-18-01322-da-con-3	DOV-18-01322-da	other	SPA Mitigation	1,577.00 £		2020-08-15	2019-07-09	
DOV-18-00888-da-con-1	DOV-18-00888-da	education	primary education	46,536.00 £		2020-08-15	2019-07-22	
DOV-18-00888-da-con-2	DOV-18-00888-da	community-facilites	library	672.00 £		2020-08-15	2019-07-22	
DOV-18-00242-da-con-1	DOV-18-00242-da	community-facilites	library	768.00 £		2020-08-17	2019-07-26	
DOV-18-00242-da-con-2	DOV-18-00242-da	other	SPA Mitigation	876.00 £		2020-08-17	2019-07-26	
DOV-18-00242-da-con-3	DOV-18-00242-da	other	non monetary			2020-08-17	2019-07-26	
DOV-18-00242-da-con-4	DOV-18-00242-da	affordable-housing	affordable-housing		6	2020-08-17	2019-07-26	
DOV-18-01169-da-con-1	DOV-18-01169-da	community-facilites	library	864.00 £		2020-08-19	2019-08-01	
DOV-18-01169-da-con-2	DOV-18-01169-da	open-space-and-leisure	open space	13,120.00 £		2020-08-19	2019-08-01	
DOV-18-01169-da-con-3	DOV-18-01169-da	other	SPA Mitigation	314.00 £		2020-08-19	2019-08-01	
DOV-18-00682-da-con-1	DOV-18-00682-da	community-facilites	library	960.00 £		2020-08-20	2019-10-18	
DOV-18-00682-da-con-2	DOV-18-00682-da	education	primary education	66,480.00 £		2020-08-20	2019-10-18	
DOV-18-00682-da-con-3	DOV-18-00682-da	other	SPA Mitigation	1,257.00 £		2020-08-20	2019-10-18	
DOV-18-00682-da-con-4	DOV-18-00682-da	affordable-housing	affordable-housing		6	2020-08-20	2019-10-18	
DOV-17-00831-da-con-1	DOV-17-00831-da	affordable-housing	affordable-housing	75,948.00 £		2020-08-20	2019-11-15	
DOV-17-00831-da-con-2	DOV-17-00831-da	community-facilites	library	192.00 £		2020-08-20	2019-11-15	
DOV-17-01523-da-con-1	DOV-17-01523-da	community-facilites	community learning	3,846.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-2	DOV-17-01523-da	health	NHS	87,000.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-3	DOV-17-01523-da	open-space-and-leisure	open space	15,000.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-4	DOV-17-01523-da	education	primary education	144,594.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-5	DOV-17-01523-da	education	secondary education	179,038.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-6	DOV-17-01523-da	community-facilites	social care	8,772.00 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-7	DOV-17-01523-da	other	SPA Mitigation	6,021.59 £		2020-08-20	2019-11-21	
DOV-17-01523-da-con-8	DOV-17-01523-da	affordable-housing	affordable-housing	tba		2020-08-20	2019-11-21	
DOV-18-00764-da-con-1	DOV-18-00764-da	community-facilites	library	1,633.00 £		2020-08-20	2019-11-22	
DOV-18-00764-da-con-2	DOV-18-00764-da	health	NHS	12,966.00 £		2020-08-20	2019-11-22	
DOV-18-00764-da-con-3	DOV-18-00764-da	education	secondary education	113,016.00 £		2020-08-20	2019-11-22	
DOV-18-00764-da-con-4	DOV-18-00764-da	other	SPA Mitigation	1,862.00 £		2020-08-20	2019-11-22	
DOV-18-00764-da-con-5	DOV-18-00764-da	affordable-housing	affordable-housing		11	2020-08-20	2019-11-22	
DOV-19-00669-da-con-1	DOV-19-00669-da	affordable-housing	affordable-housing		10	2020-08-20	2019-12-18	
DOV-19-00669-da-con-2	DOV-19-00669-da	community-facilites	community learning	872.00 £		2020-08-20	2019-12-18	
DOV-19-00669-da-con-3	DOV-19-00669-da	community-facilites	library	1,633.00 £		2020-08-20	2019-12-18	
DOV-19-00669-da-con-4	DOV-19-00669-da	open-space-and-leisure	open space	21,260.00 £		2020-08-20	2019-12-18	
DOV-19-00669-da-con-5	DOV-19-00669-da	other	S278 agreement			2020-08-20	2019-12-18	
DOV-19-00669-da-con-6	DOV-19-00669-da	education	secondary education	£		2020-08-20	2019-12-18	
DOV-19-00669-da-con-7	DOV-19-00669-da	community-facilites	social care	2,639.00 £		2020-08-20	2019-12-18	
DOV-19-00669-da-con-8	DOV-19-00669-da	other	SPA Mitigation	1,455.00 £		2020-08-20	2019-12-18	
DOV-19-00243-da-con-1	DOV-19-00243-da	affordable-housing	affordable-housing		36	2020-08-20	2019-12-19	
DOV-19-00243-da-con-2	DOV-19-00243-da	community-facilites	community learning	3,077.00 £		2020-08-20	2019-12-19	
DOV-19-00243-da-con-3	DOV-19-00243-da	community-facilites	library	14,615.00 £		2020-08-20	2019-12-19	
DOV-19-00243-da-con-4	DOV-19-00243-da	education	secondary education	436,194.00 £		2020-08-20	2019-12-19	
DOV-19-00243-da-con-5	DOV-19-00243-da	community-facilites	social care	9,315.60 £		2020-08-20	2019-12-19	
DOV-19-00243-da-con-6	DOV-19-00243-da	other	SPA Mitigation	5,960.00 £		2020-08-20	2019-12-19	
DOV-19-00403-da-con-1	DOV-19-00403-da	affordable-housing	affordable-housing		8	2020-08-20	2020-02-06	
DOV-19-00403-da-con-2	DOV-19-00403-da	other	specialist housing		10	2020-08-20	2020-02-06	
DOV-19-00403-da-con-3	DOV-19-00403-da	health	CCG Healthcare	18,270.00 £		2020-08-20	2020-02-06	
DOV-19-00403-da-con-4	DOV-19-00403-da	community-facilites	library	1,344.00 £		2020-08-20	2020-02-06	
DOV-19-00403-da-con-5	DOV-19-00403-da	other	SPA Mitigation	tba £		2020-08-20	2020-02-06	
DOV-19-00403-da-con-6	DOV-19-00403-da	education	secondary education	74,070.00 £		2020-08-20	2020-02-06	
DOV-19-01317-da-con-1	DOV-19-01317-da	monitoring-fees	monitoring	239.00 £		2020-08-20	2020-02-26	
DOV-19-00669-da-con-1	DOV-19-00669-da	education	secondary education	139,910.00 £		2020-08-20	2020-02-27	
DOV-19-00462-da-con-1	DOV-19-00462-da	other	non monetary			2020-08-20	2020-03-11	
				2,415,175.15				
					111			

developer-agreement-transaction	developer-agreement-contribution	contribution-funding-status	amount	units	entry-date	start-date	end-date
DOV-07-01081-da-trans-2019-2020-1	Community Development Officer	received	19,707	£	2020-08-20	2019-04-01	
DOV-07-01081-da-trans-2019-2020-2	SPA Mitigation Strategy	received	11,428	£	2020-08-21	2019-07-01	
DOV-10-01012-da-trans-2019-2020-3	Bus Service	received	57,318	£	2020-08-20	2019-07-01	
DOV-15-01184-da-trans-2019-2020-4	SPA Mitigation Strategy	received	2,172	£	2020-08-21	2019-12-02	
DOV-18-1084-da-trans-2019-2020-5	Tree Contribution	received	15,000	£	2020-08-21	2019-08-30	
DOV-15-01225-da-trans-2019-2020-6	Affordable Housing (commuted sum)	received	122,128	£	2020-08-21	2020-01-07	
DOV-15-00525-da-trans-2019-2020-7	Affordable Housing (commuted sum)	received	328,526	£	2020-08-21	2020-03-06	
DOV-15-00525-da-trans-2019-2020-8	SPA Mitigation Strategy	received	2,410	£	2020-08-21	2020-03-06	
DOV-16-01476-da-trans-2019-2020-9	GP Services	received	33,894	£	2020-08-21	2019-11-18	
DOV-16-01476-da-trans-2019-2020-10	SPA Mitigation Strategy	received	1,847	£	2020-08-21	2019-11-18	
DOV-16-01476-da-trans-2019-2020-11	Playing Pitch	received	14,552	£	2020-08-21	2019-11-18	
DOV-16-00017-da-trans-2019-2020-12	Affordable Housing (commuted sum)	received	75,340	£	2020-08-21	2019-12-02	
DOV-16-00017-da-trans-2019-2020-13	Play Equipment	received	22,765	£	2020-08-21	2019-12-02	
DOV-16-00017-da-trans-2019-2020-14	Open Space	received	10,945	£	2020-08-21	2019-12-02	
DOV-17-00387-da-trans-2019-2020-15	NHS Contribution	received	8,178	£	2020-08-21	2020-20-20	
DOV-17-00826-da-trans-2019-2020-16	SPA Mitigation Strategy	received	1,082	£	2020-08-21	2020-01-06	
DOV-17-00892-da-trans-2019-2020-17	Library	received	836	£	2020-08-21	2020-01-13	
DOV-17-00892-da-trans-2019-2020-18	SPA Mitigation Strategy	received	762	£	2020-08-21	2020-01-13	
DOV-17-00962-da-trans-2019-2020-19	Public Open Space	received	12,834	£	2020-08-21	2020-03-03	
DOV-17-00962-da-trans-2019-2020-20	SPA Mitigation Strategy	received	976	£	2020-08-21	2020-03-03	
DOV-17-00962-da-trans-2019-2020-21	Library	received	1,254	£	2020-08-21	2020-03-03	
DOV-17-00776-da-trans-2019-2020-22	SPA Mitigation Strategy	received	727	£	2020-09-03	2017-12-21	
DOV-18-00468-da-trans-2019-2020-23	SPA Mitigation Strategy	received	655	£	2020-09-03	2019-06-28	
			£745,337				

developer-agreement-transaction	developer-agreement-contribution	contribution-funding-status	amount	units	entry-date	start-date	end-date
DOV-14-01192-da-trans-2019-2020-24	Affordable Housing	spent	20,234	£	2020-08-20	2019-04-01	
DOV-10-01012-da-trans-2019-2020-25	Bus Service Contribution	spent	91,250	£	2020-08-20	2019-04-01	
DOV-13-01008-da-trans-2019-2020-26	Library	transferred	661	£	2020-08-21	2019-08-13	
DOV-13-01008-da-trans-2019-2020-27	Education and Social Care Facilities	transferred	5,067	£	2020-08-21	2019-08-13	
DOV-13-01008-da-trans-2019-2020-28	Adult Social Services	transferred	2,586	£	2020-08-21	2019-08-13	
DOV-07-01081-da-trans-2019-2020-29	Health Centre Rent	transferred	21,493	£	2020-09-25	2019-12-10	
DOV-10-00399-da-trans-2019-2020-30	Adult Social Services	transferred	3,408	£	2020-09-25	2020-03-03	
DOV-12-00045-da-trans-2019-2020-31	Public Rights of Way	transferred	540	£	2020-09-25	2020-03-05	
DOV-10-01132-da-trans-2019-2020-32	Library	transferred	767	£	2020-09-25	2020-03-03	
DOV-10-01132-da-trans-2019-2020-33	Adult Social Services	transferred	2,352	£	2020-09-25	2020-03-03	
DOV-10-01010-da-trans-2019-2020-34	SPA Mitigation Strategy	spent	795	£	2020-09-25	2020-01-24	
DOV-07-01081-da-trans-2019-2020-35	Community Development Officer	spent	19,707	£	2020-10-28	2019-04-01	
			<b>£168,861</b>				

developer-agreement	contribution purpose	baseline amount	housing units	trigger	entry-date	end-date	parish	development-status	Payment Term
DOV-07-01081-da	Community Development Officer	£33,334		On Occupation Of 707th Unit	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Community Development Officer	£32,513		Prior to the occupation of the 850th unit	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Primary Education	£669,857		Prior To occupation Of 771st unit or, 41 month	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Primary Education	£401,914		Prior To occupation Of 897th unitOr, the date	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Primary Education	£112,185		To pay 50% of the additional education contributi	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Primary Education	£112,185		To pay the balance of the additional education	2020-09-07		Aylesham	under construction	Long
DOV-07-01081-da	Secondary Education	£138,895		50% prior to occupation of 1,100th housing un	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Secondary Education	£138,895		Balance prior to occupation of the 1300th hous	2020-09-07		Aylesham	under construction	Long
DOV-07-01081-da	Health Centre Rent (Adult Social Servic	£19,504		Prior To occupation of 771st unit	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Health Centre Rent (Adult Social Servic	£19,504		Prior to occupation of 897th unit	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Health Centre Rent (Adult Social Servic	£234,048		Prior to occupation Of 1000th unit	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Health Centre Rent (Adult Social Servic	£36,268		Prior to the occupation of the 1,200th housing	2020-09-07		Aylesham	under construction	Long
DOV-07-01081-da	Independent Living	£5,250		Prior To occupation Of 771st unit	2020-09-07		Aylesham	under construction	short
DOV-07-01081-da	Independent Living	£5,250		Prior To occupation Of 1000th unit	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Independent Living	£1,301		Prior to the occupation of the 1,200th housing	2020-09-07		Aylesham	under construction	Long
DOV-07-01081-da	Leisure Needs	£720,000		Prior to occupation of 771st unit	2020-09-07		Aylesham	under construction	Short
DOV-07-01081-da	Library	£38,936		Prior To Occupation Of 1000Th Unit	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Library	£4,159		50% of additional library contribution prior to t	2020-09-07		Aylesham	under construction	Medium
DOV-07-01081-da	Library	£4,159		To pay the balance of the additional contributi	2020-09-07		Aylesham	under construction	Long
DOV-07-01081-da	Public Realm Management	£200,000		Prior to occupation of 771st unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Public Realm Management	£200,000		Prior to occupation Of 897th unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Public Realm Management	£200,000		Prior to occupation of 1024th unit	2020-09-08		Aylesham	under construction	Medium
DOV-07-01081-da	Public Realm Management	£200,000		Prior to occupation of 1132th unit	2020-09-08		Aylesham	under construction	Medium
DOV-07-01081-da	Public Realm Management	£161,000		Prior to the occupation of the 1,300 housing ur	2020-09-08		Aylesham	under construction	Long
DOV-07-01081-da	Youth Provision	£8,500		Prior to occupation of 771st unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Youth Provision	£65,000		Prior to occupation of 897th unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Youth Provision	£4,913		50% prior to the occupation of the 1,100 unit	2020-09-08		Aylesham	under construction	Medium
DOV-07-01081-da	Youth Provision	£4,913		Balance prior to the occupation of 1,300 unit	2020-09-08		Aylesham	under construction	Long
DOV-07-01081-da	Sustainable Transport Improvement	£196,666		Prior to occupation of 771st unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Sustainable Transport Improvement	£196,668		Prior to occupation of 897th unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Sustainable Transport Improvement	£43,996		50% Prior to occupation of the 1,100 unit	2020-09-08		Aylesham	under construction	Medium
DOV-07-01081-da	Sustainable Transport Improvement	£43,996		Balance prior to occupation of the 1,300 unit	2020-09-08		Aylesham	under construction	Long
DOV-07-01081-da	Spa Contribution	£9,918		Prior to occupation of 801st unit	2020-09-08		Aylesham	under construction	Short
DOV-07-01081-da	Spa Contribution	£9,918		Prior to occupation of 1001st unit	2020-09-08		Aylesham	under construction	Medium
DOV-07-01081-da	Spa Contribution	£9,918		Prior to occupation of 1201st unit	2020-09-08		Aylesham	under construction	Long
DOV-07-01081-da	Spa Contribution	£446		Prior to occupation of 1210th unit	2020-09-08		Aylesham	under construction	Long
DOV-07-01081-da	Spa Contribution	£8,948		Prior to occupation of the 1,200 unit	2020-09-08		Aylesham	under construction	Long
DOV-06-01455-da	Adult Social Services	£46,074		Prior to occupation of any of Phase 2 residenti	2020-09-09		Dover	under construction	Medium
DOV-06-01455-da	Adult Social Services	£43,447		Prior to occupation of any of Phase 3 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Adult Social Services	£48,702		Prior to occupation of any of Phase 4 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Library	£3,883		Prior to occupation of any of Phase 2 residenti	2020-09-09		Dover	under construction	Medium
DOV-06-01455-da	Library	£3,883		Prior to occupation of any of Phase 3 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Library	£3,884		Prior to occupation of any of Phase 4 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Open Space/Play	£26,500		Prior to occupation of any of Phase 3 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Open Space/Play	£26,500		Prior to occupation of any of Phase 4 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Youth & Community	£21,250		Prior to occupation of any of Phase 2 residenti	2020-09-09		Dover	under construction	Medium
DOV-06-01455-da	Youth & Community	£21,250		Prior to occupation of any of Phase 3 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Telecare Contribution	£2,626		Prior to occupation of any of Phase 3 residenti	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Monitoring Officer'S Costs	£1,500		DDC - Phase 2	2020-09-09		Dover	under construction	Medium
DOV-06-01455-da	Monitoring Officer'S Costs	£2,500		DDC - Phase 3	2020-09-09		Dover	under construction	Long
DOV-06-01455-da	Monitoring Officer'S Costs	£2,000		DDC - Phase 4	2020-09-09		Dover	under construction	Long
DOV-10-01010-da	Bus Services	£300,000		a programme must be agreed with the kcc to e	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Bus Services	£300,000		first anniversary of the payment of the first ins	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Bus Services	£300,000		second anniversary of the payment of the first	2020-09-10		Whitfield	under construction	Short
DOV-10-01010-da	Bus Services	£300,000		third anniversary of the payment of the first in	2020-09-10		Whitfield	under construction	Medium
DOV-10-01010-da	Bus Services	£300,000		fourth anniversary of the payment of the first i	2020-09-10		Whitfield	under construction	Medium
DOV-10-01010-da	Bus Services	£300,000		fifth anniversary of the payment of the first ins	2020-09-10		Whitfield	under construction	Medium
DOV-10-01010-da	Bus Services	£300,000		sixth anniversary of the payment of the first in	2020-09-10		Whitfield	under construction	Medium
DOV-10-01010-da	Bus Services	£300,000		seventh anniversary of the payment of the first	2020-09-10		Whitfield	under construction	Medium
DOV-10-01010-da	Duke Of York Roundabout	£100,000		first occupation of the 800th residential unit (o	2020-09-10		Whitfield	under construction	Long
DOV-10-01010-da	School Contribution	3500000		prior to occupation of 401st residential unit	2020-09-10		Whitfield	under construction	Long
DOV-10-01010-da	Section 106 Monitoring	£5,000		prior to occupation of 100th residential unit	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Section 106 Monitoring	£5,000		one year after first payment	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Section 106 Monitoring	£5,000		two years after first payment	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Section 106 Monitoring	£5,000		three years after first payment	2020-09-10		Whitfield	under construction	medium
DOV-10-01010-da	Section 106 Monitoring	£5,000		four years after first payment	2020-09-10		Whitfield	under construction	medium
DOV-10-01010-da	Section 106 Monitoring	£5,000		five years after first payment	2020-09-10		Whitfield	under construction	medium
DOV-10-01010-da	Section 106 Monitoring	£5,000		six years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		seven years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		eight years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		nine years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		ten years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		eleven years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		twelve years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		thirteen years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		fourteen years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Section 106 Monitoring	£5,000		fifteen years after first payment	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Sports Facilities	£150,000		prior to occupation of 190th unit	2020-09-10		Whitfield	under construction	short
DOV-10-01010-da	Sports Facilities	£520,700		prior to occupation of 620th unit	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Sports Facilities	£56,700		prior to occupation of 825th unit	2020-09-10		Whitfield	under construction	long
DOV-10-01010-da	Sports Facilities	£32,300		prior to occupation of 1,142nd unit	2020-09-10		Whitfield	under construction	long
DOV-14-00058-da	Environmental Mitigation	£25,000		prior to the occupation of the development	2020-09-10		Sandwich	not started	medium
DOV-14-00058-da	Bus Stops	tba		prior to the occupation of the 100th dwelling	2020-09-10		Sandwich	not started	medium
DOV-14-00058-da	Public Transport Improvements	£100,000		prior to the occupation of the 250th dwelling	2020-09-10		Sandwich	not started	long
DOV-14-00058-da	Public Transport Improvements	£100,000		one year after the first payment	2020-09-10		Sandwich	not started	long
DOV-14-00058-da	Public Transport Improvements	£100,000		two years after the first payment	2020-09-10		Sandwich	not started	long
DOV-14-00058-da	Public Transport Improvements	£100,000		three years after the first payment	2020-09-10		Sandwich	not started	long
DOV-14-00058-da	Additional Contribution	tba		before the third anniversary of the agreement c	2020-09-10		Sandwich	not started	long
DOV-14-00361-da	Primary Education	£231,965		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Primary Education	£231,965		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Library	£6,426		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Library	£6,426		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Sports Facility	£37,500		prior to occupation of any house in phase 2 or	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Sports Facility	£37,500		prior to occupation of any house in phase 4 or	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Social Care	£25,155		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Social Care	£25,155		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Youth Centre	£54,189		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-14-00361-da	Youth Centre	£54,189		prior to occupation of any market housing unit	2020-09-10		Walmer	under construction	short
DOV-15-00260-da	Outdoor Sports	£10,000		prior to occupation of 30th dwelling	2020-09-10		Guston	under construction	short
DOV-15-00260-da	Outdoor Sports	£10,000		prior to occupation of 60th dwelling	2020-09-10		Guston	under construction	medium
DOV-15-00260-da	Thanet Coast And Sandwich Bay Spa M	£3,174		prior to occupation of any dwelling	2020-09-10		Guston	under construction	short
DOV-15-00260-da	Affordable Housing	tba			2020-09-10		Guston	under construction	
DOV-15-00260-da	County Contributions	tba			2020-09-10		Guston	under construction	
DOV-15-01290-da	Affordable Housing	tba		33% on or before occupation 36 unit 33% on or	2020-09-10		Deal	under construction	medium
DOV-15-01290-da	Spa Mitigation	£6,139		on or before commencement of the developm	2020-09-10		Deal	under construction	short
DOV-15-01290-da	Open Space	£56,834		33% on or before occupation 36 unit 33% on or	2020-09-10		Deal	under construction	medium
DOV-15-01290-da	Primary Education	£239,637		33% on or before occupation 36 unit 33% on or	2020-09-10		Deal	under construction	medium
DOV-17-00831-da	affordable-housing	£75,948		due on date of deed	2020-09-10		Worth	under construction	short
DOV-17-00831-da	Library	£192		due on date of deed	2020-09-10		Worth	under construction	short
DOV-16-00032-da	Affordable Housing	£25,000		on or before occupation of fourth dwelling	2020-09-12		Denton wit	not started	medium

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DOV-16-00032-da	Play Area	£21,338	on or before occupation of fourth dwelling	2020-09-12	Denton	wit not started	medium
DOV-16-00502-da	affordable housing	£482,362	on or before occupation of 50% dwellings	2020-09-12	Deal	under construction	short
DOV-17-00487-da	Affordable housing		prior to commencement	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Community Learning	£2,179	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Healthcare	tba	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Library	£4,082	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Outdoor Sports	£33,900	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Primary Education	£282,540	50% prior to the first occupation of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Secondary Education	£200,583	50% prior to the first occupation of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Social Care	£6,482	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-17-00487-da	Thanet Coast And Sandwich Bay Spa M	£3,542	prior to occupation of more than 50% of the dwellings	2020-09-12	Ringwould	not started	medium
DOV-16-01049-da	Community Learning	£2,308	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Local Area Of Play	£21,756	prior to the occupation of 30 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Local Area Of Play	£21,756	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Library	£2,161	prior to the occupation of 30 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Library	£2,161	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Outdoor Sports	£14,000	prior to the occupation of 30 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Outdoor Sports	£14,000	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Primary Education	£106,243	prior to the occupation of 30 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Primary Healthcare	£106,243	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Secondary Education	£106,191	prior to the occupation of 30 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Secondary Education	£106,191	prior to the occupation of 60 residential units	2020-09-12	Ash	not started	medium
DOV-16-01049-da	Social Care	£6,987	prior to the occupation of the 60th residential unit	2020-09-12	Ash	not started	medium
DOV-17-00387-da	Library	£720	prior to the occupation of the 4th extra care unit	2020-09-12	Wingham	under construction	short
DOV-17-00387-da	Nhs Contribution	£7,812	prior to the first occupation of the first extra care unit	2020-09-12	Wingham	under construction	short
DOV-16-01476-da	Gp Services	£32,958	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Thanet Coast And Sandwich Bay Spa M	£1,796	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Playing Pitch	£14,150	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Primary Education	£108,861	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Secondary Education	£77,284	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Adult Services	£1,154	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Library Services	£1,681	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-16-01476-da	Social Care	£2,669	remaining 50% prior to occupation of 35 dwellings	2020-09-29	Deal	under construction	short
DOV-14-00240-da	Ecological Mitigation Contribution	£4,596	before occupation of any of the dwellings	2020-09-29	Eastry	not started	short
DOV-14-00240-da	Affordable Housing			2020-09-29	Eastry	not started	medium
DOV-16-01247-da	Affordable Housing			2020-09-29	Ash	not started	medium
DOV-16-01247-da	Health Contribution	£6,412	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Off Site Play Space Contribution	£17,400	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Off Site Sports Contribution	£10,900	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Spa Contribution	£1,624	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Library Contribution	£1,261	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Footpath Contribution	£24,000	prior to occupation	2020-09-29	Ash	not started	medium
DOV-16-01247-da	Secondary Education	£70,800	prior to occupation	2020-09-29	Ash	not started	medium
DOV-18-00300-da	Affordable Housing	£79,800	prior to occupation of 5th dwelling	2020-09-29	Aylesham	not started	long
DOV-18-00300-da	Library Contribution	£960	prior to occupation of 5th dwelling	2020-09-29	Aylesham	not started	long
DOV-18-00300-da	Spa Contribution	£428	on or before commencement date	2020-09-29	Aylesham	not started	long
DOV-16-01328-da	Spa Contribution	£1,490	prior to commencement of development	2020-09-29	Whitfield	not started	long
DOV-16-01328-da	Primary Education	£93,072	prior to commencement of development	2020-09-29	Whitfield	not started	long
DOV-16-01328-da	Secondary Education	£115,220	prior to commencement of development	2020-09-29	Whitfield	not started	long
DOV-16-01328-da	Library	£1,344	prior to commencement of development	2020-09-29	Whitfield	not started	long
DOV-16-01328-da	Affordable Housing			2020-09-29	Whitfield	not started	long
DOV-17-00892-da	Affordable Housing	£183,838	prior to occupation of 9th dwelling	2020-09-29	Aylesham	not started	short
DOV-17-00892-da	Open Space Contribution	£5,414	prior to occupation of 5th dwelling	2020-09-29	Aylesham	not started	short
DOV-17-01114-da	Affordable Housing		15 prior to commencement of development (affordable housing)	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Community Learning	£1,282	prior to the first occupation	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Primary Education	£166,200	prior to the occupation of the 5th dwelling	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Secondary Education	£205,750	prior to the first occupation	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Library	£2,401	prior to the first occupation	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Adult Social Services	£3,882	prior to the first occupation	2020-09-29	Eastry	not started	long
DOV-17-01114-da	Spa Contribution	£3,040	prior to commencement	2020-09-29	Eastry	not started	long
DOV-16-01450-da	Primary Education Contribution	£63,156	prior to occupation of 25% of the open market units	2020-09-29	Alkham	not started	long
DOV-16-01450-da	Library Contribution	£912	prior to occupation of any of the open market units	2020-09-29	Alkham	not started	long
DOV-16-01450-da	Spa Contribution	£1,314	prior to the commencement of development	2020-09-29	Alkham	not started	long
DOV-16-01450-da	Off-Site Public Open Space	£11,218	prior to commencement	2020-09-29	Alkham	not started	long
DOV-16-01450-da	Affordable Housing		6 scheme for affordable housing to be submitted	2020-09-29	Alkham	not started	long
DOV-17-00826-da	Affordable Housing	£231,702	upon first occupation of 10th dwelling within the site	2020-09-29	Whitfield	under construction	short
DOV-17-00826-da	Primary Education	£46,536	upon first occupation of 10th dwelling within the site	2020-09-29	Whitfield	under construction	short
DOV-17-00826-da	Library Contribution	£672	upon first occupation of 10th dwelling within the site	2020-09-29	Whitfield	under construction	short
DOV-17-00530-da	Affordable Housing Contribution			2020-09-29	Deal	not started	long
DOV-17-00530-da	Community Learning Contribution	£1,615	prior to first occupation of 10th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Library Contribution	£3,025	prior to first occupation of 10th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Nhs Contribution	£14,276	prior to first occupation of the 35th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Open Space Contribution	£70,000	prior to the first occupation of the 50th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Primary Education Contribution	£164,538	first instalment prior to first occupation of 20th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Secondary Education Contribution	£203,695	first instalment prior to first occupation of 20th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Social Care Contribution	£4,804	prior to first occupation of 10th dwelling	2020-09-29	Deal	not started	long
DOV-17-00530-da	Spa Contribution	£2,897	prior to commencement	2020-09-29	Deal	not started	long
DOV-18-01322-da	Library	£2,209	prior to first occupation of any residential unit	2020-09-29	Dover	not started	medium
DOV-18-01322-da	Enhancement To Pencester Gardens	£35,728	prior to first occupation of any residential unit	2020-09-29	Dover	not started	medium
DOV-18-01322-da	Spa Mitigation	£1,577	prior to commencement	2020-09-29	Dover	not started	medium
DOV-18-00242-da	Library Contribution	£768	prior to occupation of the first dwelling on the site	2020-09-29	Staple	not started	short
DOV-18-00242-da	Spa Mitigation	£876	prior to occupation of the first dwelling on the site	2020-09-29	Staple	not started	short
DOV-18-00242-da	Affordable housing		6 prior to occupation of 8 of the open market units	2020-09-29	Staple	not started	short
DOV-18-01169-da	Library Services	£864	on completion of the first sale of a residential unit	2020-09-29	Deal	not started	short
DOV-18-01169-da	Open Space Contribution	£13,120	on completion of the first sale of a residential unit	2020-09-29	Deal	not started	short
DOV-18-01169-da	Spa Mitigation	£314	prior to commencement	2020-09-29	Deal	not started	short
DOV-18-00682-da	Library Contribution	£960	prior to commencement of development	2020-09-29	Deal	not started	short
DOV-18-00682-da	Primary Education Contribution	£66,480	prior to occupation of ten dwellings within the site	2020-09-29	Deal	not started	medium
DOV-18-00682-da	Spa Contribution	£1,257	prior to commencement of development	2020-09-29	Deal	not started	short
DOV-18-00682-da	Affordable Housing			2020-09-29	Deal	not started	medium
DOV-17-01523-da	community learning	£3,846	prior to occupation of 51 dwellings	2020-09-29	Dover	not started	long
DOV-17-01523-da	NHS	£87,000	prior to occupation of 51 dwellings	2020-09-29	Dover	not started	long
DOV-17-01523-da	open space	£15,000	prior to occupation of 51 dwellings	2020-09-29	Dover	not started	long
DOV-17-01523-da	Primary Education	£144,594	prior to occupation of 33% of dwellings in resp	2020-09-29	Dover	not started	long
DOV-17-01523-da	Secondary Education	£179,038	prior to occupation of 51 dwellings	2020-09-29	Dover	not started	long
DOV-17-01523-da	social care	£8,772	prior to occupation of 51 dwellings	2020-09-29	Dover	not started	long
DOV-17-01523-da	SPA Mitigation	£6,022	prior to commencement	2020-09-29	Dover	not started	long
DOV-18-00764-da	Library Contribution	£1,633	prior to commencement	2020-09-29	Great Mon	not started	short
DOV-18-00764-da	Nhs Contribution	£12,966	prior to commencement	2020-09-29	Great Mon	not started	short
DOV-18-00764-da	Secondary Education Contribution	£113,016	prior to occupation of 15 dwellings	2020-09-29	Great Mon	not started	short
DOV-18-00764-da	Spa Contribution	£1,862	prior to commencement	2020-09-29	Great Mon	not started	medium
DOV-18-00764-da	Affordable Housing			2020-09-29	Great Mon	not started	medium
DOV-19-00243-da	Affordable Housing			2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Community Learning Contribution	£1,538	to pay 50% prior to occupation of 10% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Community Learning Contribution	£1,538	to pay remaining 50% prior to occupation of 33% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Library Contribution	£7,307	to pay 50% prior to occupation of 10% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Library Contribution	£7,307	to pay remaining 50% prior to occupation of 33% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Secondary Education Contribution	£218,097	to pay 50% prior to occupation of 10% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Secondary Education Contribution	£218,097	to pay remaining 50% prior to occupation of 33% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Social Care Contribution	£4,658	to pay 50% prior to occupation of 10% of the residential units	2020-09-29	Sandwich	not started	medium
DOV-19-00243-da	Social Care Contribution	£4,658	to pay remaining 50% prior to occupation of 33% of the residential units	2020-09-29	Sandwich	not started	medium

DOV-19-00243-da	Spa Contribution	£5,960	prior to commencement of development	2020-09-29	Sandwich	not started	Short
DOV-19-00669-da	Affordable Housing Scheme		10 owner shall submit a draft affordable housing s	2020-09-29	Capel le Fe	not started	long
DOV-19-00669-da	Community Learning Contribution	£872	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00669-da	Library Contribution	£1,633	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00669-da	Public Open Space Contribution	£21,260	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00669-da	Secondary Education Contribution	£139,910	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00669-da	Social Care Contribution	£2,639	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00669-da	Spa Contribution	£1,455	prior to commencement	2020-09-29	Eastry	not started	long
DOV-19-00403-da	Affordable Housing		8 prior to occupation of 25% of open market hou	2020-09-29	Eastry	not started	long
DOV-19-00403-da	Restricted-Age Dwelling		10	2020-09-29	Eastry	not started	long
DOV-19-00403-da	CCG Healthcare	£18,270	prior to the first occupation of any dwelling	2020-09-29	Eastry	not started	long
DOV-19-00403-da	Library Contribution	£1,344	prior to the first occupation of any dwelling	2020-09-29	Eastry	not started	Long
DOV-19-00403-da	Secondary School Contribution	£74,070	50% prior to date of occupation of any dwelling	2020-09-29	Eastry	not started	long
DOV-19-00120-da	Affordable Housing		6	2020-09-29	Staple	not started	Short
DOV-19-00120-da	Monitoring Of 106	£236	prior to commencement	2020-09-29	Staple	not started	Short
DOV-17-01515-da	Affordable Housing	£140,000	prior to first occupation of 6th unit	2020-09-29	Great Monj	not started	short
DOV-17-01515-da	Library Contribution	£576	prior to first occupation of 6th unit	2020-09-29	Great Monj	not started	short
DOV-17-01515-da	Primary Education	£39,888	prior to first occupation of 6th unit	2020-09-29	Great Monj	not started	short
DOV-19-01364-da	Spa Contribution	£804	prior to commencement	2020-09-29	Dover	not started	short
DOV-19-01364-da	Outdoor Sports Contribution	£6,809	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Children'S Equipped Play Space	£10,394	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Secondary Education Contribution	£30,865	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Adult Social Services	£279	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Youth Services	£1,114	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Library Contribution	£943	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Specialist Care	£2,497	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-19-01364-da	Waste & Recycling	£4,038	prior to first occupation	2020-09-29	Dover	not started	medium
DOV-17-01345-da	Affordable Housing		14	2020-09-29	Sholden	not started	long
DOV-17-01345-da	Open Space Land			2020-09-29	Sholden	not started	long
DOV-17-01345-da	Healthcare Contribution	£38,845	prior to occupation of 50% dwellings & 50% of	2020-09-29	Sholden	not started	long
DOV-17-01345-da	Primary Education	£159,552	prior to occupation of 50% of dwellings	2020-09-29	Sholden	not started	long
DOV-17-01345-da	Secondary Education	£197,520	prior to occupation of 50% of dwellings	2020-09-29	Sholden	not started	long
DOV-17-01345-da	Library	£1,153	prior to occupation of 25%	2020-09-29	Sholden	not started	long
DOV-17-01345-da	Library	£1,153	prior to occupation of 50%	2020-09-29	Sholden	not started	Long
DOV-18-00221-da	SPA Mitigation	£957	prior to commencement	2020-09-29	Dover	not started	Short
DOV-19-00746-da	Affordable Housing	£93,000	prior to occupation of 4th dwelling	2020-09-29	Woodnesb	not started	Medium
DOV-19-00746-da	Monitoring Costs	£239	prior to commencement	2020-09-29	Woodnesb	not started	Short
DOV-19-01317-da	Monitoring Costs	£239	payable on date of deed	2020-09-29	Staple	not started	Short

18,426,225

166

Short term 1-2 years  
Medium term 3-5 years  
Long term 5 years +

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<b>Subject:</b>	<b>PERFORMANCE REPORT – QUARTER 2, 2020/21</b>
<b>Meeting and Date:</b>	<b>Cabinet – 9 November 2020</b> <b>Overview and Scrutiny Committee – 16 November 2020</b>
<b>Report of:</b>	<b>Michelle Farrow, Head of Leadership Support</b>
<b>Portfolio Holder:</b>	<b>Councillor Chris Vinson, Portfolio Holder for Finance, Governance and Digital</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 monitor performance against key objectives.

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**Recommendation:** The Council's Performance Report and Actions for the 2nd Quarter 2020/21 be noted.

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**1. Summary**

The Council's Performance Report for the 2<sup>nd</sup> Quarter 2020/21 reports on performance against key performance targets throughout the Council, East Kent Shared Services and East Kent Housing during the second 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 6 months to 30 September 2020.
- 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 second quarter of 2020/21, 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 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, 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.
- 2.5 Targets and data for Housing are under current review since the service has returned to DDC. This report contains data and performance information on rent arrears, however, service monitoring performance data has only been received in the last couple of weeks, from EKH, and there is concern this data has been previously reported inaccurately and been misinterpreted. Verification of data is underway and once performance information has been verified and collated it will be shared. It is anticipated this will be included in the next Quarter Performance Report.



3. **Identification of Options**

3.1 Not applicable.

4. **Evaluation of Options**

4.1 Not applicable.

5. **Resource Implications**

5.1 None.

6. **Climate Change and Environmental Implications**

6.1 None.

7. **Corporate Implications**

7.1 Comment from the Section 151 Officer (linked to the MTFP): Finance have been consulted in the production of this report and have no further comments to add'. H/L

7.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted in the preparation of this report and has no further comment to make.

7.3 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/section/149>

7.4 Other Officers (as appropriate):

8. **Appendices**

Appendix 1 – Q2 Performance Report

9. **Background Papers**

None.

Contact Officer: Michelle Farrow, Head of Leadership Support

# Dover District Council Performance Report For the Quarter Ending – 30 September 2020

## 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	22	67%	21	68%					▲
Amber	5	15%	5	16%					▶
Red	6	18%	5	16%					▲
Total	33	100%	31	100%					

## EK Services & DDC Digital

PI	Description	Outturn 2019/20	DDC Target 2020/21	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 & cheque	92%	Data for information only	96%	93%			94.50%	49012	▼	N/A
EKS01d	Percentage of incidents resolved within agreed target response time -ICT	96% (Q3)	95%	96%	95%			95.5%		▼	Green
EKS02d.1	Percentage of incidents resolved within 1 working day	64% (Q3)	60%	64%	62%			63%		▼	Green
EKS02d.2	Percentage of incidents resolved within 3 working days	84% (Q3)	80%	82%	81%			81.5%		▼	Green

## EK Services & DDC Digital

PI	Description	Outturn 2019/20	DDC Target 2020/21	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
<b>EKS04d</b>	Percentage availability of email service	100% (Q3)	97.50%	100%	100%			100%		▶	<b>Green</b>
<b>PLA005</b>	Percentage of electronic planning applications received	86.78% (Q3)	80%	82.73%	86.64%			84.69%	N/A	▲	<b>Green</b>
<b>WEB001</b>	Percentage availability of the corporate website (DDC responsibility)	99.94%	99.50%	99.96%	99.95%			99.96%		▶	<b>Green</b>
<b>WEB002</b>	Number of Keep me Posted subscriptions	32,527 (Q3)	N/A	34,539	35,049			35,049		▲	N/A
<b>WEB003</b>	Facebook subscribers	7,347 (Q3)	N/A	8,283	8,462			8,462		▲	N/A

### EKS Director's Comments

#### Performance:

Performance is still within the set targets.

#### Key Initiatives/Outcomes:

Nothing to report for the Q2 period

#### Concerns/Risks

Nothing to report for the Q2 period

<b>Civica</b>											
PI	Description	Outturn 2019/20	DDC Target 2020/21	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr where applicable	Direction of Travel to previous Qtr	RAG Status
<b>Benefits</b>											
KPI01-D	Pay benefit quickly	6.59 Days	8.5 days	6.72 days	6.16 days			6.22 days		▲	Green
KPI02-D	Percentage of correct Housing Benefit and Council Tax Benefit decisions	97.42%	96%	94.59%	100%			95.76%		▲	Green
<b>Council Tax</b>											
KPI03-D	The percentage of council taxes due for the financial year which were received in year by the authority.	97.23%	96.84% (Qtr target 55.55%)	28.12%	55.49%			55.49%		▲	Amber
<b>Business Rates</b>											
KPI04-D	Percentage of Business Rates collected	99.20%	98.20% (Qtr target 53.39%)	30.45%	51.23%			51.23%		▲	Amber
<b>Customer Services</b>											
KPI06-D	Average call waiting time in seconds	187 seconds	233 seconds	174 seconds	78 seconds			113 seconds		▲	Green

## **Civica Comments**

### **Performance:**

- Speed of Benefits processing exceeded the monthly target.
- The HB accuracy target was met this month and Civica are confident that the year end target remains achievable.
- Council Tax collection missed the profiled target - Dover was 0.06% below profile at 55.49%. This is being constantly monitored and will be discussed further at the Contract Strategic Board (CSB) in December.
- Business Rates collection also missed the profiled target - Dover achieved 51.23% against a target of 53.39%. Again, this will be reviewed at CSB in December.
- Customer satisfaction was at 97% in September
- Call wait time remains under the 233 seconds target.
- 1 of the 5 FOI responses due in September was returned after the internal target date, due to the complexity of the enquiry, however it was completed before the statutory deadline. Only 1 complaint for Dover was received.

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

Open Portal – we have been attempting to launch Open Portal for several months, but it is awaiting client sign off. It is now anticipated to be in October following the planned server upgrade. This service will give customers access to view their Benefit claims, Council Tax accounts, NDR Accounts, Sundry Debtor accounts and landlord accounts

Covid has resulted in a significant change in the way that Council services have been delivered. Thought is being given to how services could or should be delivered in a post lockdown situation and Civica are engaging with partners to understand the impact that Covid is having on areas such as Accommodation strategies, Digital strategies and Customer strategies

### **Concerns/Risks:**

Nothing to report for Q2

## EK Housing

PI	Description	Outturn 2019/20	DDC Target 2020/21	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	26.31 days	16.5 days	41.19 days	Please see note*						
		<i>* Note: quality of data held and its accessibility is currently being validated and we are aiming to report in Q3</i>									
EKHC2	Rent arrears as % of annual debit	4.01%	4.55%	4.77%	4.57%			4.57%	N/A	▲	Amber
EKHC3	Former tenant arrears as % of annual debit	1.84%	0.50%	2.02%	1.98%			1.98%	N/A	▲	Red
EKHD1	Total current tenant arrears (including court costs)	£ 781,425	N/A	£ 868,302	£ 901,994			£901,994		▼	N/A
EKHD2	Average current tenant arrears per rented unit	£181.81	N/A	£201.18	£210.99			£210.99	N/A	▼	N/A
EKHD3	Total former tenant arrears (including court costs)	£ 358,004	N/A	£ 368,641	£ 391,717			£391,717		▼	N/A
EKHD4	Amount of former tenant arrears written off	£33,121	N/A	£0.00	£99.00			£99.00		▼	N/A

### East Kent Housing Comments:

As this report relates to the period July-Sept when it was still managed by EKH, we now have no comment from the EKH Director for the performance during this period. Now the service has been brought back in house, moving forward the Director of Finance, Housing and Community and Strategic Director (Operations and Commercial) will provide comments on performance.

## Corporate Resources

PI	Description	Outturn 2019/20	DDC Target 2020/21	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% (Q3)	91.50%	96%	88%			92%	1417	▼	Green
CSU001	Percentage of ASB cases resolved within 30 days	89% (Q3)	98%	100%	100%			100%	60	▶	Green
ENH005	Percentage of complaints regarding nuisance responded to within 5 working days	98.50%	95%	99.2%	99%			99.1%	386	▶	Green
ENH012	Number of Fixed Penalty Notices issued for litter	2053	N/A	6	9			15		N/A	N/A
ENH013	Percentage of stray dog enquiries responded to within target time.	100%	95%	100%	100%			100%	64	▶	Green
ENH015	Number of Fixed Penalty Notices issued for dog fouling	8	N/A	0	0			0		N/A	N/A
ENH016	Number of Envirocrime prosecutions completed	192	N/A	0	1			1		N/A	N/A
GOV001	Number of working days/shifts lost due to sickness absence per FTE	7.42 days	N/A	0.88 days	0.64 days			1.52 days		▲	Green
GOV002	Number of working days/shifts lost due to long term sickness absence over 10 days per FTE	5.13 days	N/A	0.58 days	0.41 days			0.99 days		▲	Green
GOV003	The number of second stage complaints referred to the Council's Complaints Officer	26	N/A	8	10			18		N/A	N/A
GOV004	The number of FOI requests received	1074	N/A	187	294			481		N/A	N/A
HOU010a	Number of households living in Temporary Accommodation including B&B	171	90	166	147			147		▲	Red

## Corporate Resources

PI	Description	Outturn 2019/20	DDC Target 2020/21	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
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.)	22	20	25	17			17		▲	Green
HOU011	The number of households presenting as homeless where a duty to re-house is accepted	150	N/A	40	35			75		▲	N/A
HOU012	The number of children in B&B	0	N/A	0	0			0		▶	N/A
LIC005	The percentage of licensed premises inspections completed by target date	100%	80%	0	0			0	0	▶	Red
LIC006	The percentage of unopposed licensing and permit applications processed within 5 working days	98.75%	75%	100%	100%			100%	273	▶	Green
PSH007	Number of DFG applications completed (for information only)	108 (Q3)	N/A	6	9			15		▲	N/A
PSH008	Percentage of completed DFG applications approved within 10 working days from receipt of application	77% (Q3)	N/A	66%	87%			77%		▲	N/A



## Strategic Director (Corporate Resources) comments

### Performance Summary – General Fund, HRA and Capital

#### General Fund

The revised GF Revenue Budget was approved by Council on 21<sup>st</sup> October. The budget was been reviewed taking into account the main known pressures forecast from the impact of Covid 19 on expenditure and income streams and the Government funding and other options proposed to offset this forecast pressure:

Description	£000	£000
Net Cost of Increased Homelessness Support	350	
Additional ICT investment	50	
EU Transition Port Health Authority resources	50	
Additional Revenues & Benefits support	50	
Community Grant Scheme	50	
Other shielding support	50	
Total Corporate Resources		600
Loss of leisure centre income	750	
Estimated payments re DDLC	750	
Refuse & Recycling charges	50	
50% Reduction in parking income	1,325	
Loss of other leisure income	30	
25% Reduction in Building Control income	80	
20% Reduction in Land Charges income	35	
Estimated reduction in rent income	50	
Estimated reduction in other income streams	100	
Total Operations & Commercial Services		3,170
Property Investment unlikely in current climate	100	
Economic impact on financial investments	180	
Short term borrowing to support cash flow	150	
5% reduction in NDR income (excluding EZ & renewable energy)	280	
4% reduction in Council Tax income	300	
Total NDR & Council Income		1,010
<b>Forecast Total Impact on Budget</b>		<b>4,780</b>
Government Funding Received	(1,470)	
Estimated funding from Income Compensation Scheme	(1,660)	
Total Forecast Government Funding		(3,130)

<b>Remaining Budget Deficit</b>	<b>1,650</b>
	(600)
Remove investment income reserve contribution	
Remove Renewable Energy NDR reserve contribution	(930)
DDC Contribution to Deficit	<u>(1,530)</u>
<b>Net Pressure</b>	<u><b>120</b></u>

These changes result in a net impact of an additional £120k pressure on the GF balances in 2020/21, forecasting and overall deficit of £118k and a retained GF balance of £2.4m at the end of the financial year.<sup>1</sup>

### Capital and Special Projects Programmes

Council on 21<sup>st</sup> also approved the revised Capital & Special Revenue Programmes. The revised programmes include the following new projects:

- (a) A new town centre regeneration fund of £2.5m to support the recovery.
- (b) An additional £2.1m to fund the Maison Dieu project; £1m of which to be financed through borrowing, to be funded by the expected revenue turnaround from running the café and other services in the refurbished model.
- (c) Transition costs of £0.5m to support any organisational changes required for 2021/22 and subsequent years.
- (d) Addition of new project £150k to support enhancements to the Sandwich Quay.
- (e) Additional allowance of up to £1.5m to support the Dover Cable Car project, subject to the development of an appropriate business case, identification of external funding, etc.
- (f) Increase the provision for Tides Leisure Centre repairs by £200k to support essential works and maintain service provision.

### Housing Revenue Account

The impact of the return of the management of the housing stock from East Kent Housing is being modelled and updated and will be reported to Members in a future report.

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- (1) <sup>1</sup> The report to Council on 21<sup>st</sup> October 2021 contained more detailed explanations of the various budget pressures notes above and the various financial uncertainties faced by the Council.
  - (2) On 22<sup>nd</sup> October 2021 government announced further support to Councils to deal with Covid-19. As a result DDC will receive a further £572k. This additional support is not expected to be on-going, but it can be used to support the revenue or capital budgets, or it can be held in reserves, in accordance with Members' views.

Division	FTE @ 1 April 2020	(Leavers)/ Joiners/ Transfers	FTE @ 30 September 2020
Chief Executive	40.61	-0.57	40.04
Governance	52.58	0	52.58
Corporate Resources	60.32	-4.47	55.85
Operations and Commercial	113.78	+5.56	119.34
HR & Audit	27.23	-1.00	26.23
<b>Total Staff FTE</b>	<b>294.52</b>	<b>-0.48</b>	<b>294.04</b>

## Operations and Commercial

PI	Description	Outturn 2019/20	DDC Target 2020/21	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
MUS002	The number of visits to the museum in person per 1,000 population	180.55 (Q3)	200	0	3.52			3.52		▲	Red
PKG003	Number of PCNS issued	12,968	N/A	1,860	4,041			5,901		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	83.52% (Q3)	65%	84.62%	90%			87.31%	10	▲	Green
PLA002	Percentage of <b>non-major</b> planning applications determined in 8 weeks (exc. Section 106 agreements)	83.71% (Q3)	75%	89.74%	91%			90.37%	188	▲	Green
PLA003	The percentage of decisions for major applications overturned at appeal (+)	5.11% (Q3)	<10%	0%	0%			0%		▶	Green
PLA004	The percentage of decisions for non-major applications overturned at appeal (+)	1.27% (Q3)	<10%	0.7%	0%			0%		▲	Green
PLA007	Number of new houses completed.	53,286 (Q3)	N/A	172	76			53,534		N/A	N/A
PLA008	Growth in Business Rates base (number of registered businesses)	4,124 (Q3)	N/A	39	5			4,168		N/A	N/A

## Operations and Commercial

PI	Description	Outturn 2019/20	DDC Target 2020/21	Q1	Q2	Q3	Q4	Current Cumulative figure	Absolute Number of Cases this Qtr (where applicable)	Direction of Travel to previous Qtr	RAG Status
PLA009	% of appeals upheld by the Planning Inspectorate as a % of those submitted	23.93% (Q3)	N/A	25%	0%			13%	2	N/A	N/A
WAS003	Number of collections missed per 100,000 collections of household waste.	5.53	15	5.28	5.8			5.54		▼	Green
WAS010	Residual household waste per household	356.36 kg	350kg	417kg	421kg (no Sept data)			419kg		▼	Red
WAS011	Household waste sent for reuse, recycling or composting	47.50%	50%	50%	48% (no Sept data)			49%		▼	Amber
WAS012	Environmental cleanliness: Percentage of streets containing litter	4.48%	5%	3.92%	5.38%			4.65%		N/A	N/A
WAS013	Environmental cleanliness: Percentage of street containing detritus	13.80%	10%	17.17%	15.04%			16.11%		N/A	N/A

### Strategic Director (Operations and Commercial) comments

#### Performance:

Staff have coped reasonably well with the transition to home working forced upon us by the pandemic, with performance being maintained and projects continuing to progress. Confirmation of the award of £4.27m from NHLF to support the Maison Dieu project was especially welcome news in September and a credit to those involved in the project since consultants were first appointed to undertake a feasibility study in 2014.

#### Key Initiatives/Outcomes:

Planning & Regeneration

## Operations and Commercial

This quarter showed a rise in the percentage of applications made electronically after a slight dip in the previous quarter reflecting the growing importance of digital working to the development industry. There was a significant improvement in the number of major decisions made within agreed timeframes and a small improvement in others. Appeals remained low in numbers for the period and there were no adverse decisions.

### Museum

The museum was reopened to the public on 16<sup>th</sup> September. The shop/reception/VIC area has been completely remodelled in response to the pandemic and to ensure the safety of visitors and staff. The new Dunkirk temporary exhibition is proving popular. Because of the close down visitor figures are only available for the last two weeks of the reporting period, so a low figure is to be expected. The next quarter is also likely to be difficult – for understandable reasons schools are not making bookings that we would normally get at this time of year.

### Commercial Services

#### Parks & Open Spaces:

In-house Grounds Maintenance team have been carrying out their duties as best they can with no seasonal staff and Covid safe restriction which means activities are taking longer than normal but this level of service has been accepted as an outcome of the current situation. The burial service continues to be busy but no more than normal.

#### The Kearsney Parks Project:

The Building contract has completed with snagging taking place. The landscaping is now due to complete in November. There has been significant progress made whilst the sun was shining, and the new landscape is coming along nicely and will be a great asset for all to enjoy in the spring of 2021. The formal opening is now planned for spring 2021. The overall project will complete by the end of June 2021.

#### Kearsney Café:

The building is being prepared to be used as a takeaway café due to the Covid restriction that are in place and should be open by mid-October.

#### Natural Environments:

The WCCP team have had a very busy time with high numbers of visitors due to lifting of restrictions and staycation. This has created new issues for the team with high levels of litter and other anti-social problems. A reduced number of volunteers have signed up to help this year due to concerns about Covid and many activities have been cancelled. But the positive is the smaller volunteer groups are working well and much easier to manage. Alternative online events have been popular and welcomed especially for parents with children at home due to school closures.

#### Transport & Parking Services:

This team have been back to near normal operating since mid-May and it's been a busy time with warm weather and lifting of lockdown restriction seeing high numbers of visitors coming to the district. Unfortunately, the visitor numbers this summer were not higher than last year and were not enough to reverse the budget deficit that the service area now has. This service area has seen some steady increases in resident permit sales compared to last year and maybe a reflection of the increase numbers of people now working from home.

## Operations and Commercial

### Waste services:

A very busy period of time for the team and the contractor with very high tonnages on all waste streams and increased demand on the street cleansing service following the easing of lockdown. There has also been a significant growth in the garden waste service with an additional 1500 new customers across the district. Now the HWRC sites are back open and schools and business have re-opened there has been a slight reduction in tonnages, but they remain high. The start of the new waste contract starts in January 2021 and there is lots to do to ensure this service transitions seamlessly from the old to the new contract. Exceptional service from our contractor and contract management team since the beginning of the Covid crisis.

Officers from all the teams above supported other services such as the community & business hubs, food parcel deliveries and helping the high street. All officers transitioned to home working and embraced the situation exceptionally well and continue to deliver the services as if they were in Whitfield and all areas are now working on the potential impacts of the end of transition. All service areas have been working on ways to generate income and create savings to support the challenging financial situation we now find ourselves in.

### Inward Investment & Tourism:

The Inward Investment and Tourism team has been engaging on a range of diverse activities and projects. These include, among other matters, progressing the Dover Fastrack (BRT) which has seen a key milestone reached with the submission of the planning application, progressing the Coastal Community Project at Dover Market Square; the Future High Street Fund bid for Dover town centre and developing the business case for the Cable Car. Along with this, the team has also engaged variously on the response to Covid-19 through support to the Community and Business Hubs along with the High Street Recovery Programme. Planning for the 149<sup>th</sup> Open Golf Championship in 2021 has also been reenergised.

On the Tourism front, the Tourism & Visitor team have continued with their weekly support to the district's tourism & visitor economy businesses/industry providing useful information, updates and advice as part of website updates and distributed a weekly digital newsletter (to representatives at Deal Town Council, Dover Town Council (via Destination Dover) and Sandwich Town Council, as well as each of the town Chambers of Commerce). Distribution of COVID-19 communications, often daily, to key DDC departments throughout this period has been undertaken as a key informational resource. Sector representation and collaboration at a national, regional, county and local level also continued throughout, including contribution to inquiries at all levels and impact monitoring. The 'We'll Meet Again' campaign was also introduced.

During this time, the department has also continued delivery upon elements of the new DDC Tourism & Visitor Economy strategy.

Phase 1 of the new bold and creative White Cliffs Country website was launched in July 2020 and phase two currently in production. The website includes new elements and functionality including:

- Enhanced marketing & promotion (SEO works ongoing);
- Around 480 pages of content;
- Translation options;

## Operations and Commercial

- Four promotional videos to music;
- Character town shortcuts and highlights;
- Live 24/7 webcams (Sandwich coming soon);
- Social media and share options;
- Weather gage; and
- Live Chat (expanding the reach of the VIC).
- Improved Analytics.

### Asset & Building Control:

During quarter 2 the construction industry adapted to Covid 19 impacts and DDC officers managed the transition to the new normal in relation to its projects and construction related operations. Whilst currently there are no indications that the construction industry will be affected, the central government response to rising rates of Coronavirus has the potential to impede delivery of projects, in particular if the 'circuit breaker' scenario extends to the construction sector. The continuing ability of the team to think laterally to introduce pragmatic cost-effective solutions mean that despite the challenges good progress was maintained on many projects and by the end of the quarter:

- Over 2200 of the Council's 2500 footway lights have now been replaced with LED units. Issues relating to particular lights, such as the need for a deflector, have been extremely few and were resolved immediately. An on-going issue about the status of assets owned by UKPN has resulted in DDC not being able to upgrade approximately 250 pole mounted lights, predominantly located in rural locations.
- The demolition of the Old Dover Leisure Centre was completed on site. Work to agree the final account is on-going.
- Internal work at the William Muge & Snelgrove continues apace with the internal fit out of a number of units being well advanced. Key members toured the site on 25<sup>th</sup> September. The handover of the first three units is expected at the start of December with delivery of the remaining 62 units expected between December 2020 and the end of March 2021.
- All the beach huts at St Margarets Bay have been let.
- The deep bore soak away project at Fitness Fields was tendered and the work completed during Q2. This work was a key requisite for KCC Highways for adoption of the road.
- The contract was awarded and work is well advanced on the Kingsdown/ Walmer Sea defences with all 4 rock groynes in place and the beach management work on the frontage is also complete with the exception of the Sandown Castle site.
- The contract to rebuild and repair the chimney at Astor Theatre has been let.

The Asset Maintenance team despite being at 50% strength for the whole of Q2 were busy on a number of smaller projects including:

- Delivering extremely cost-effective redecoration and minor improvements to enliven and maintain the play area in Kearsney Abbey prior to the opening of the restaurant. All that remains is to install a new double swing set, replacing the existing which is some 40 years old.
- External redecoration to the public toilets in Connaught Park have been completed. The second phase is to redecorate internally and undertake some minor repairs to protect the original internal features such as cubicle doors and enhance their appearance.



## Operations and Commercial

The Valuation team with support from the legal team concluded the letting of units 10(first floor), 12 and 14 at Whitfield Court.

During quarter two and particularly in September the deficiencies in all aspects of the housing maintenance service, operated by East Kent Housing, began to emerge. Whilst it was anticipated that much needed to be put right the emerging picture was substantially below the lowest expectations of the state of the service that DDC would inherit. As a consequence a number of the team spent very significant amounts of time on the DDC preparations to take direct control of the maintenance aspects of the housing service. This level of support will need to continue in the coming months.

### **Concerns/Risks:**

Budget pressure and income are a major concern for Commercial services.

Future working practices and long-term impacts of Covid are still a cause for concern generally.

The issues arising following the transfer of housing maintenance from EKH are likely to impact on the Assets team and the delivery of corporate projects.

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<b>Subject:</b>	<b>HOUSING STOCK COMPLIANCE</b>
<b>Meeting and Date:</b>	<b>Cabinet – 9 November 2020</b>
<b>Report of:</b>	<b>Roger Walton, Strategic Director (Operations and Commercial)</b>
<b>Portfolio Holder:</b>	<b>Councillor Derek Murphy, Portfolio Holder for Housing and 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 update on the current position in relation to the compliance status of the Council’s housing stock.

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**Recommendation:** That Cabinet notes the current status which relates to statutory health & safety compliance associated with managing the housing stock and the actions being taken to verify the accuracy of compliance data.

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**1. Summary**

- 1.1 In 2019 it emerged that East Kent Housing (EKH) did not have up to date gas safety certificates for a significant proportion of its housing stock. Subsequent investigations carried out by the East Kent Audit Partnership (EKAP) found that as well as gas safety, major failings were detected in all other areas of compliance (Water Hygiene, Lift safety, Electrical safety, Asbestos safety, and fire safety)
- 1.2 Whilst managing the service EKH, as an organisation, never shared their base data for compliance with the four Councils (databases/spreadsheets/trackers etc) and have always maintained that they were not 100% confident in the accuracy of their compliancy figures when reporting on compliance to the four Councils.
- 1.3 On 5<sup>th</sup> October 2020, Council officers had first sight of the former EKH compliance data and can confirm that there are inaccuracies and performance figures based on misinterpretation of base data. This report will update members on the issues and progress made verifying data accuracy for compliance. Accurate data is the prerequisite for compliance performance information, in which officers and members can have 100% confidence.

**2. Introduction and Background**

- 2.1 In 2019 it emerged that East Kent Housing (EKH) did not have up to date gas safety certificates for a significant proportion of its housing stock. Subsequent investigations carried out by the East Kent Audit Partnership (EKAP) found that as well as gas safety, major failings were detected in all other areas of compliance (Water Hygiene, Lift safety, Electrical safety, Asbestos safety, and fire safety)
- 2.2 As a result of these issues, the council decided to self-refer to the Regulator for Social Housing (RSH). Following investigation, the RSH concluded that the council were non-compliant with the requirements set out in the Home Standard and decided to issue a

Regulatory Notice in September 2019, which remains 'live' for 12 months or until full compliance is achieved.

- 2.3 As a result of this, and following consultation with tenants, all four Councils decided to disband EKH and from 1<sup>st</sup> October 2020 Dover District Council became responsible for delivering all housing management services, including compliance safety.
- 2.4 Whilst managing the housing stock EKH, as an organisation, never shared their base data for compliance with the four Councils (databases/spreadsheets/trackers etc) and have always maintained that they were not 100% confident in the accuracy of their compliancy figures when reporting on compliance to the four Councils. Officers have also been sceptical of the figures presented but despite repeated requests for clarification from EKH the clarifications were not forthcoming.
- 2.5 On 5<sup>th</sup> October, Council officers had first sight of the compliance data and have since interrogated the data sets and tracker spread sheets of EKH's compliance data. Officers can confirm that there are inaccuracies and figures based on misinterpretation.
- 2.6 One of the key elements to managing compliance is to fully understand and manage the compliance data and certification. The starting point is the need to have a master data base that accurately records the compliance liability against each address. For Dover District Council the Strategic Asset Management (SAM) system which is a module of the Northgate Housing System is the master data base. This will ensure all six areas of compliance use the same property address list.
- 2.7 The compliance data currently resides on numerous spreadsheets and specialist compliance software databases. The address contained in each, be it for certification, confirming compliance and/or for resulting remedial works are not the same. These, along with the current contracts, are being used as a double check to ensure the SAM data base is accurate. It is being found that addresses that we do not own are on contracts and addresses that should be on a contract are not. Officers are well advanced in ensuring that the contracts and SAM match and that all liabilities are correctly identified. This task alone is immense, but it is key to getting the figures right so that all assets are compliant.
- 2.8 Another process to verify the compliance data is to see and check the actual certification. Some certificates are missing for one reason or another, be it that they have been misfiled, not passed onto to DDC by EKH or that they just don't exist for some properties. Where possible copy certificates are being obtained from the contractors and where there is doubt that any remedial works identified on the certificate have not been completed, inspections are being arranged to check, and if there are outstanding matters, any necessary remedial actions are instigated immediately.
- 2.9 Where certification is missing, officers will report the property as non-compliant until the certificates are found, or the property is re-inspected, and a satisfactory new certificate is issued. Members may therefore see some compliance figures dipping and then rising as we officers find batches of certificates and amend the data base.
- 2.10 Officers in the Housing Assets team suspect that some of the databases have not been updated following compliance related remedial works and they have been inspecting properties to ratify that works have been completed so that the compliance data can be updated.

2.11 Although Council officers have only been working on this a few days, good progress has been made. It is anticipated that it will be possible to report accurately data for some of the workstreams at the end of October. The reporting measures will be consistent with those contained in the Voluntary Undertaking to the Social Housing Regulator and in the longer term will be incorporated into the Corporate Performance report.

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

3.1 **That Cabinet notes** the current status, which relates to statutory health & safety compliance associated with managing the housing stock and the actions being taken to verify the accuracy of compliance data

### 4. **Resource Implications**

4.1 This report appertains to the current compliance position hence there are no direct resource implications. Compliance is at the heart of the wider management of the service and the resources needed to manage compliance have been included with the housing asset team structure.

### 5. **Climate Change Implications**

5.1 The compliance report does not have an impact, either negative or positive, on climate change. Where actions are taken to improve compliance, these will be reviewed on a case by case basis with one of the goals being to reduce carbon emissions as much as is practically possible.

### 6. **Corporate Implications**

6.1 Comment from the Section 151 Officer: Accountancy have been consulted and have no further comment to make. (DL)

6.2 Comment from the Solicitor to the Council. The solicitor to the Council has been consulted and has no further comments to make. (HR)

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/section/149>

6.4 Comment from the Climate Change & Energy Conservation Officer: The officer has been consulted and has no further comments to make. (AM).

### 7. **Appendices**

None.

### 8. **Background Papers**

None.

Contact Officer: Martin Leggatt – Head of Assets and Building Control

DOVER DISTRICT COUNCIL

NON-KEY DECISION

**EXECUTIVE**

CABINET – 9 NOVEMBER 2020

**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>
Inter-Authority Agreement with Kent County Council	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Provision of New Museum Store	3	
Dover Fastrack Project Update	3	

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

**Agenda Item No 10**

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