

# Agenda

Meeting: **Cabinet**  
Date: **13 April 2016**  
Time: **6.00 pm (PLEASE NOTE START TIME)**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Cabinet**

All Councillors for information

The cabinet will consider the matters listed below on the date and at the time and place shown above. The meeting will be open to the press and public.

**1. Apologies for absence**

**2. Declarations of interest**

Members of the Council should declare any interests which fall under the following categories. Please see the end of the agenda for definitions\*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

**3. Minutes (Pages 1 - 8)**

To consider and approve as a correct record the minutes of the meeting held on 23 March 2016.

**4. General Fund Capital Programme Budget monitoring - 4th Quarter 2015/16 (Pages 9 - 18)**

Report C/15/94 provides a projection of the latest financial position for the 2015/16 General Fund capital programme, based on expenditure to 29 February 2016. The report identifies projected variances to the approved capital programme to 31 March 2016 including slippage on schemes from

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Contact Sue Lewis– Tel: 01303 853495  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
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2015/16 to 2016/17.

**5. Determining and publishing a penalty charge statement of principles for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (Pages 19 - 30)**

Report C/15/91 sets out the Council's duties under the Smoke and Carbon Monoxide Alarms (England) Regulations 2015 (the regulations) and recommends a penalty charge framework, which must be published as a statement of principles in accordance with these regulations.

**6. Hythe Swimming Pool and Princes Parade Site (Pages 31 - 46)**

Report C/15/98 provides an update on recent decisions related to the replacement of Hythe Swimming Pool and considers options for the uses and the extent of uses to be incorporated into an application for planning permission for land at Princes Parade, Hythe, within the ownership of Shepway District Council.

\*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- 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.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

## Minutes

### Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 23 March 2016
Present	Councillors Miss Susan Carey, John Collier, Alan Ewart-James, David Godfrey, Mrs Jennifer Hollingsbee, Rory Love, Philip Martin, David Monk and Stuart Peall
Apologies for Absence	Councillors Malcolm Dearden
Officers Present:	Jeremy Chambers (Corporate Director - Strategic Operations), Jordan Hall (Compliance and Information Governance Manager), Leigh Hall (Group Accountant), Adrian Hammond (Housing Strategy Manager), Andy Jarrett (Head of Strategic Development Project), Sue Lewis (Committee Services Officer), Tim Madden (Corporate Director - Organisational Change), Brendan McGowan (Project Manager), Susan Priest (Corporate Director - Strategic Development), Sarah Robson (Head of Communities) and Alistair Stewart (Chief Executive)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is 7 April 2016 at 5 pm. Decisions not called in may be implemented on 8 April 2016.

#### **76. Declarations of interest**

There were no declarations of interest.

#### **77. Minutes**

The minutes of the meeting held on 24 February 2016 were submitted, approved and signed by the Chairman following an amendment in respect of a declaration made by Councillor Ms Susan Carey.

#### **78. Policy Statement on Flooding and Coastal Protection**

Report C/15/81: The Policy Statement on Flooding and Coastal Erosion Risk Management sets out how the council approaches flood and coastal defence in the district.

Proposed by Councillor Philip Martin  
Seconded by Councillor Mrs Jenny Hollingsbee and

**Resolved:**

- 1. To receive and note report C/15/81.**
- 2. To approve the Policy Statement on Flooding and Coastal Erosion Risk Management.**
- 3. To approve that the policy statement comes into effect from the date it is approved.**

Reason for Decision:

Cabinet is asked to agree the recommendations set out because:  
There are matters of council policy, which need the approval of Cabinet before they can be adopted.

(Voting: For 9; Against 0; Abstentions 0)

**79. Corporate Enforcement Policy**

Report C/15/85: To present a Corporate Enforcement Policy for consideration and approval.

Proposed by Councillor David Monk  
Seconded by Councillor Stuart Peall and

**Resolved:**

- 1. To receive and note Report C/15/85.**
- 2. To adopt the Corporate Enforcement Policy.**

Reason for Decision:

Cabinet is asked to agree the recommendation set out because:

- A Corporate Enforcement Policy establishes a single over-arching policy that encompasses the key factors and principles common to all aspects of enforcement undertaken by the Council.
- It commits the Council to good enforcement practice and establishes the framework by which we will ensure a fair and consistent approach to the way that enforcement activities are undertaken.

(Voting: For 9; Against 0; Abstentions 0)

**80. Housing Revenue Account Business Plan 2016 to 2046**

The council is required to produce a comprehensive Business Plan for its housing stock. Report C/15/87 provides an overview of the council's updated Housing Revenue Account Business Plan for the next 30 years (The detailed Business Plan is attached at Appendix 1). The Business Plan is focused on improving the quality of the council's landlord services and incorporates a range of priorities for the stock, including ensuring the council's homes meet the Shepway Housing Standard. The document

also provides details of the council's new build and acquisition housing programme. In view of recent policy changes announced by the Government, it has been necessary to reduce the council's target to deliver up to 300 homes over the next 10 years, to up to 200 homes over the next 10 years. Cabinet is requested to agree the updated draft Business Plan.

Proposed by Councillor Alan Ewart-James  
Seconded by Councillor John Collier and

1. **To receive and note Report C/15/87.**
2. **To agree on the attached draft Shepway HRA Business Plan for the period 2016 to 2046.**

Reason for Decision:

Cabinet is asked to agree the recommendations because:

- a) The council is required by Government to have a comprehensive Business Plan in place for its Housing Stock and other assets within the HRA.
- b) The council is required to properly plan the repayment of its debt within the HRA. It is essential that it has an effective Business Plan to properly resource its HRA activity.
- c) The Government has announced a number of policy changes in relation the HRA accounts held by local authorities. It is vital that the council keeps it's HRA Business Plan under ongoing review to ensure that it remains fit for purpose. These changes have significantly impacted on the scale of the council's new build and housing acquisition programme.
- d) The draft Business Plan has the support of the Shepway Area Tenants Board and East Kent Housing.

(Voting: For 9; Against 0; Abstentions 0)

#### **81. District, Parish and Town Council Elections - Election Fees and Charges**

Report C/15/86 sets out a proposed scale of fees and expenses of Shepway's Returning Officer to undertake the arrangements for managing and conducting district, parish and town council elections.

Proposed by Councillor David Monk  
Seconded by Councillor Mrs Jenny Hollingsbee and

**Resolved:**

1. **To receive and note report C/15/86.**
2. **To agree to automatically adopt annually revised versions of the Kent scale of fees and charges in line with the NJC pay award. The current Kent scale of fees is shown in Appendix 1.**
3. **To agree the revised Kent scale of fees and charges takes effect on 01 April of each year.**

- 4. To instruct officers to submit a report to Cabinet, as soon as possible after any pay award that changes the Kent scale of fees and charges.**

Reason for Decision:

Cabinet is asked to agree the recommendations set out in respect of the maximum scale of fees and charges for district, parish and town council elections. This enables a fair and reasonable recharge to be made by the Council to town and parish councils for their elections.

(Voting: For 9 ; Against 0; Abstentions 0)

## **82. HRA New Build Update**

Report C/15/84: Shepway's HRA Business Plan provides for the delivery of a 10 year programme of up to 30 dwellings each year from 2014/15. Cabinet 22 July 2015 agreed an interim list of four sites be fully appraised immediately with a view to their development. This paper presents feasibility and due diligence report summaries for the four sites (comprising 32 units) and makes recommendations for action.

Proposed by Councillor Alan Ewart-James  
Seconded by Councillor Ms Susan Carey and

**Resolved:**

- 1. To receive and note report C/15/84.**

(Voting: For 9; Against 0; Abstentions 0)

- 2. To agree, subject to planning approval to develop the sites for HRA dwellings at:-**

- Digby Road;**

(Voting: For 7; Against 2; Abstentions 0)

- Brook Lane**

(Voting: For 9; Against 0; Abstentions 0)

- Roman Way**

(Voting: For 9; Against 0; Abstentions 0)

**and not to develop the site at:**

- Broomfield Crescent**

(Voting: For 9; Against 0; Abstentions 0)

- 3. To authorise the Head of Strategic Development projects to take all necessary actions, including the submission of applications for planning permissions to ensure the sites are developed.**

(Voting: For 7; Against 0; Abstentions 2)

**83. Exclusion of the Public**

Councillor David Monk, Leader of the Council read out the following statement:

“I have agreed that an item should be added to the agenda. The item relates to Garden Settlements. I consider that this item should be considered as a matter of urgency because of special circumstances namely that a significant amount of work is needed to adhere to the deadline set by Government.”

Proposed by Councillor David Monk  
Seconded by Councillor David Godfrey and

**Resolved:**

**To exclude the public for this item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of part 1 of schedule 12A of the Local Government Act 1972.**

(Voting: For 9; Against 0; Abstentions 0)

**84. Garden Settlements**

This item is an exempt minute.

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

Document is Restricted

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This Report will be made public on 5 April 2016

**Folkestone**

Hythe & Romney Marsh

Shepway District Council



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Report Number **C/15/94**

**To:** Cabinet  
**Date:** 13 April 2016  
**Status:** Non-Key Decision  
**Head of Service:** Tim Madden, Corporate Director – Organisational Change  
**Cabinet Member:** Councillor Susan Carey, Finance

**SUBJECT: GENERAL FUND CAPITAL PROGRAMME BUDGET MONITORING – 4th QUARTER 2015/16**

**SUMMARY:** This monitoring report provides a projection of the latest financial position for the 2015/16 General Fund capital programme, based on expenditure to 29 February 2016. The report identifies projected variances to the approved capital programme to 31 March 2016 including slippage on schemes from 2015/16 to 2016/17.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because it needs to be kept informed of the General Fund capital programme position and take appropriate action to deal with any variance from the approved budget.

**RECOMMENDATIONS:**

1. To receive and note Report C/15/94.

## 1. INTRODUCTION AND BACKGROUND

- 1.1 As part of the council's normal budget monitoring process this report updates Cabinet on the latest position for the General Fund capital programme at the 4th quarter of 2015/16 compared to the latest budget approved by full Council on 18 February 2016. The latest projections are based on expenditure to 29 February 2016. Specifically, the report identifies:
- i) changes to the overall value of the General Fund capital programme for the period up to 31 March 2016,
  - ii) slippage on planned expenditure for schemes from 2015/16 to 2016/17, and
  - iii) the impact any changes to the overall capital programme will have on the financing resources required to fund it.
- 1.2 The latest projections for the Housing Revenue Account capital programme are to be considered as part of a separate report to Cabinet on this agenda.

## 2. GENERAL FUND CAPITAL PROGRAMME 2015/16

- 2.1 The latest projection for the total cost and funding of the General Fund capital programme for 2015/16 is £8,391,000, a reduction of £1,227,000 compared to the latest approved budget of £9,618,000. Full details are shown in the appendix to this report and the following table summarises the position across the Service Units and also outlines the impact on the capital resources required to fund the programme:

<b>General Fund Programme 2015/16</b>	<b>Latest Budget 2015/16</b>	<b>Quarter 4 Projection 2015/16</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>General Fund – Service Units</b>			
Commercial and Technical Services	849	949	100
Democratic Services and Law	88	88	-
Finance	2,247	877	(1,370)
Communities	1,171	1,210	39
Strategic Development Projects	5,263	5,267	4
<b>Total General Fund Capital</b>	<b>9,618</b>	<b>8,391</b>	<b>(1,227)</b>
<b>Capital Funding</b>			
Grants	(1,028)	(1,324)	(296)
External Contributions	(49)	(15)	34
Capital Receipts	(1,937)	(1,124)	813
Revenue	(1,341)	(661)	680
Borrowing	(5,263)	(5,267)	(4)
<b>Total Funding</b>	<b>(9,618)</b>	<b>(8,391)</b>	<b>1,227</b>

2.2 The main changes from the approved budget to the latest projection for the 2015/16 capital programme are summarised below:

<b>Variations – Projected General Fund Capital Programme</b>					
			<b>Funding</b>	<b>£'000</b>	<b>£'000</b>
<b>1</b>		<b>Slippage to 2016/17</b>			
	i)	Oportunitas Ltd – initial business plan extended to 2016/17 as suitable housing acquisition opportunities continue to be sought	Capital Receipts (£847k) Revenue (£500k)	(1,347)	
	ii)	Corporate Property Health and Safety Enhancements – for urgent works to the Civic Centre	Revenue	(120)	
	iii)	Hawkinge Yard Improvements – delayed due to poor weather	Revenue	(29)	
					(1,496)
<b>2</b>		<b>Coast Protection Schemes</b>			
	i)	Coronation Parade – additional funding for study into main scheme (£87k) and repairs to storm damaged wall (£45k)	EA Grant	132	
	ii)	Beach Management Works – additional funding for enhanced programme of beach recycling works in Spring 2016 following winter storms	EA Grant	113	
	iii)	Greatstone Dunes Management – reduction in funding required for planned works	EA Grant	(11)	
					234
<b>3</b>		<b>Reprofiling of Schemes from 2016/17 to 2015/16</b>			
	i)	Empty Homes Initiative – loan funding for joint initiative with Kent County Council	Capital Receipts	45	
	ii)	Hythe Environmental Improvements – design and preliminary costs	S106	15	
					60
<b>4</b>		<b>Other Changes</b>			
	i)	3G Pitch, Folkestone – saving on landscaping costs	Revenue (£14k) Grant (£5k)	(19)	
	ii)	Replacement Printing Equipment - saving	Revenue	(17)	
	iii)	Disabled Facilities Grants & Loans – additional expenditure to meet increased demand	Grant	18	
	iv)	Other net changes	Various	(7)	
					(25)
		<b>Total change in overall capital programme</b>			<b>(1,227)</b>

2.3 The projections contained in this report are based on the most accurate information at the current time and every effort is made to ensure the capital programme is delivered on time and in budget. Some capital schemes are more difficult to project accurately in terms of both the timing of expenditure and the final cost. In particular it is difficult to accurately project the timing of expenditure for the Disabled Facilities Grants and Loans and the release of funding to Oportunitas Limited for its housing acquisitions programme.

### 3. IMPACT OF PROGRAMME CAPITAL FUNDING RESOURCES

3.1 One of the key principles underlying the council's Medium Term Financial Strategy is the capital programme is funded from available or realised capital resources and that new borrowing should only be used where it is prudent and affordable. The only exception to this is where a scheme is subject to grant funding or external contributions in which case no commitment is made against these until the funding is confirmed. The latest forecast for the General Fund capital programme conforms to this key principle.

3.2 The latest position regarding the council's available capital receipts to fund capital expenditure is shown in the following table:

<b>General Fund Capital Receipts Position Statement</b>	<b>£'000</b>
Receipts in hand at 31 <sup>st</sup> January 2016	(7,867)
Less,	
committed towards General Fund capital expenditure	3,052
committed towards HRA capital expenditure	2,878
Ring-fenced for specific purposes:	
i) Future unbudgeted demand for Disabled Facilities Grants	394
ii) Home Safe Loans	230
iii) HRA New Build	428
iv) Other	78
Contingency for urgent or unforeseen capital expenditure	500
<b>Balance available to support new capital expenditure</b>	<b>(307)</b>

3.3 The revenue resource required to fund the General Fund capital programme in 2015/16, including the impact of any slippage, is provided for in the General Fund Revenue Budget Monitoring report due to be considered by Cabinet separately on this agenda.

### 4. CONCLUSIONS

4.1 The projected outturn shown for the General Fund capital programme in 2015/16 reflects the position based on actual expenditure and forecasts at 29 February 2016.

- 4.2 Prudential borrowing is being used to fund the strategic land acquisition. The remainder of the MTCP currently does not require new borrowing to fund it.
- 4.3 The final outturn position for 2015/16 and the actual level of rephasing of capital expenditure into 2016/17 will be known by the early part of this summer. Therefore Cabinet is asked to note the position at this stage. Formal approval to update the overall General Fund medium term capital programme will be sought from full Council once the final outturn is confirmed.

## 5. RISK MANAGEMENT ISSUES

- 5.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Capital resources not available to meet the cost of the new projects.	High	Medium	Capital receipts required have already been realised for the majority of the programme. Schemes subject to future capital resources will only commence once these are realised. Schemes supported by grant funding will only commence once fully approved and committed by the relevant body.
Cost of new projects may exceed the estimate.	High	Medium	Capital monitoring procedures in place allowing prompt early action to be taken to manage the risk effectively.

## 6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 6.1 Legal Officer's Comments (DK)

There are no legal implications arising out of this report.

### 6.2 Finance Officer's Comments (LW)

This report has been prepared by Financial Services. There are no further comments to add.

## **7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

*Lee Walker, Group Accountant*

*Tel: 01303 853593 e-mail: [lee.walker@folkestone-hythe.gov.uk](mailto:lee.walker@folkestone-hythe.gov.uk)*

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1 – General Fund Capital Programme Budget Monitoring Report 2015/16



APPENDIX 1 - GENERAL FUND CAPITAL PROGRAMME 2015/16 QUARTER 4 PROJECTION					
Item No	Service Area and Scheme	Latest Approved Budget	Q4 Projection 2015/16	Variance Budget to Q4 Projection	Comments
		£'000	£'000	£'000	
	<b>Andy Blaszkowicz - Head of Commercial and Technical Services</b>				
1	Improvements to Hawkinge Yard	70	41	-29	Clearance works completed. Vehicle and equipment storage facility delayed until 2016/17 due to waterlogged site. £29k slippage
2	Grounds Maintenance Vehicle and Equipment Replacement Programme	135	135	0	
3	Hythe Environmental Improvements	0	15	15	Scheme partly reprofiled from 2016/17
4	Coast Protection - Coronation Parade, Folkestone (Study and Urgent Repairs)	9	141	132	£87k additional funding for Study to support main scheme. £45k for urgent wall repairs. Scheme entirely funded from Environment Agency grant
5	Coast Protection - Greatstone Dunes Management & Study	15	4	-11	Funded from Environment Agency grant
6	Coast Protection - Hythe to Folkestone Beach Management (from 2015)	302	415	113	Additional beach recycling undertaken in Spring 2016. Scheme entirely funded from Environment Agency grant
7	General Fund Property - Health and Safety Enhancements	200	80	-120	15/16 majority spent on urgent works to Hythe Pool. Balance planned to be carried forward to 2016/17 for Civic Centre enhancements. £120k slippage

Item No	Service Area and Scheme	Latest Approved Budget	Q4 Projection 2015/16	Variance Budget to Q4 Projection	Comments
		£'000	£'000	£'000	
8	Lifeline Capitalisation	42	42	0	
9	Lifeline Alarm Receiving Equipment	76	76	0	
	<b>Total - Head of Commercial and Technical Services</b>	<b>849</b>	<b>949</b>	<b>100</b>	
	<b>Amandeep Khroud - Head of Democratic Services and Law</b>				
10	PC Replacement Programme	8	8	0	
11	Server Replacement Programme	60	69	9	Additional server for Revenues & Benefits to be met from saving on Virtual Desktop Technology scheme
12	Virtual Desktop Technology	20	11	-9	See Server Replacement Programme, above
	<b>Total - Head of Democratic Services and Law</b>	<b>88</b>	<b>88</b>	<b>0</b>	

Item No	Service Area and Scheme	Latest Approved Budget	Q4 Projection 2015/16	Variance Budget to Q4 Projection	Comments
		£'000	£'000	£'000	
	<b>Tim Madden - Head of Finance</b>				
13	Budget and Forecasting Application	9	3	-6	
14	Oportunitas Loan & Share Capital Phase 1 (Housing Acquisitions Programme)	2,068	721	-1,347	To be reprofiled to 2016/17 as suitable acquisition opportunities continue to be sought. £1,347k slippage
15	Replacement Printing Equipment	170	153	-17	Saving on anticipated cost following tender process
	<b>Total - Head of Finance</b>	<b>2,247</b>	<b>877</b>	<b>-1,370</b>	
	<b>Sarah Robson - Head of Communities</b>				
16	Disabled Facilities Grant	702	720	18	Funded from government grant and currently no waiting list for applications
17	Home Safe Loans	60	55	-5	Demand lower than anticipated
18	Warm Home Loans Scheme	12	12	0	KCC funding to support the pilot scheme

Item No	Service Area and Scheme	Latest Approved Budget	Q4 Projection 2015/16	Variance Budget to Q4 Projection	Comments
		£'000	£'000	£'000	
19	Empty Properties Initiative	300	345	45	Additional expenditure met from 2016/17 reprofiled to 2015/16
20	3G Football Pitch Cheriton Road	97	78	-19	Cost of additional works including landscaping improvements less than anticipated
	<b>Total - Head of Communities</b>	<b>1,171</b>	<b>1,210</b>	<b>39</b>	
	<b>Andy Jarrett - Head of Strategic Development Projects</b>				
21	Strategic Land Acquisition	5,263	5,267	4	Purchase completed 17 December 2015. Cost includes purchase fees
	<b>Total - Head of Strategic Development Projects</b>	<b>5,263</b>	<b>5,267</b>	<b>4</b>	
	<b>Total General Fund Capital Expenditure</b>	<b>9,618</b>	<b>8,391</b>	<b>-1,227</b>	

This Report will be made public on 5 April 2016

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



[www.shepway.gov.uk](http://www.shepway.gov.uk)

Report Number **C/15/91**

**To:** Cabinet  
**Date:** 13 April 2016  
**Status:** Key Decision  
**Corporate Director:** Jeremy Chambers, Strategic Operations  
**Cabinet Member:** Councillor Alan Ewart - James, Housing

**SUBJECT: DETERMINING AND PUBLISHING A PENALTY CHARGE STATEMENT OF PRINCIPLES FOR THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015**

**SUMMARY:** The report sets out the Council's duties under the Smoke and Carbon Monoxide Alarms (England) Regulations 2015 (the regulations) and recommends a penalty charge framework, which must be published as a statement of principles in accordance with these regulations.

#### **REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because:

- 1) The regulations state that a penalty charge of up to £5,000 may be given to landlords who fail to comply with a 28 day remedial notice served by the Council.
- 2) The regulations state that the local authority must determine the level of penalty charge and publish a statement of principles by which they would determine the charge.
- 3) The penalty charge levied should not only act as a deterrent to non-compliance, but is the only method of recovering the Council's costs for work in default when fitting smoke and/or Carbon Monoxide alarms.

**RECOMMENDATIONS:**

- 1. To receive and note Report C/15/91.**
- 2. To agree to the recommendation of Penalty charge levels as set out in the statement of principles attached (Appendix 1).**
- 3. To agree to the penalty charge income being used to fund works in default and any deficit to be funded from the CMT Contingency.**
- 4. To agree to the statement of principles being published on the Council's website and communicated to landlords through the media and through direct mailing of information to landlords.**

## **1.0 Background**

- 1.1** The regulations came into force on 1<sup>st</sup> October 2015 and they apply to all privately rented dwellings. They state that the landlord must ensure that there is a smoke alarm on each level of the premises where habitable rooms exist and that there is a carbon monoxide alarm installed in any room where there is a solid fuel appliance. The regulations also place a duty on the landlord to test these alarms at the beginning of each new tenancy. The regulations do not extend to requiring a Carbon Monoxide alarm in rooms where gas appliances are present because gas appliances are already covered by the requirement to carry out a gas safety check under the Gas Safety (Installation and Use) Regulations 1998 (as amended).
- 1.2** Where the local authority has reasonable grounds to believe that the landlord has failed to comply with these requirements, they must serve a remedial notice upon the landlord giving him 28 days to install or repair such alarms.
- 1.3** After the 28 day remedial notice has expired and if the notice has not been complied with, the local authority must carry out the required work in default (i.e. install or repair smoke and/or CO alarms) within 28 days of expiry of the notice.

## **2.0 Instigation of works in default**

- 2.1** If works in default are necessary, a contractor will need to be employed to fit battery operated alarms. In most circumstances this will only be a temporary solution to improving the fire safety of the property but would ensure compliance with these regulations. Further works may be required in order to comply with Housing Act 2004 legislation in relation to fire safety and will be dealt with separately. This would usually mean serving an improvement notice giving the landlord a reasonable period of time to upgrade to a mains wired fire alarm system.
- 2.2** It is proposed that the Private Sector Housing Officer will instruct a contractor to install the alarms where works in default are required. The average total cost of any one incidence of work in default (in an average two storey property where two smoke alarms and one carbon monoxide alarm is required) should not usually exceed £100. Three quotes from local handyman services will be obtained to ensure good value for money.
- 2.3** The cost of the works in default has to be met by the Council in the first instance. The regulations state that the only mechanism for recovering costs is through collection of the penalty charge. Unlike with other forms of works in default, no charge can be placed on the property to recover the debt. Any penalty charges collected that exceed the cost will then be considered as general income. If necessary, any deficit could be borne by CMT Contingency.

**2.4** It is currently difficult to predict how many properties we will have to take remedial action in for several reasons. Firstly, we do not have information about how many dwellings in Shepway currently do not have smoke alarms and CO alarms installed. This information only comes to light during an inspection of the property; usually as a result of a complaint from the occupying tenant. Furthermore, of these properties, we do not know how many landlords will respond to the 28 day notice and carry out the works themselves. It is likely that most landlords will comply with the 28 day notice, as it would be cost prohibitive for them for us to carry out work in default and enforce the penalty charge.

**2.5** Shepway Council along with other councils took part in promotional and educational events across Kent in partnership with Kent Fire and Rescue Service in October and November 2015. Free smoke and CO alarms were given to landlords at these events. We are unsure as to how many Shepway landlords would have taken advantage of this promotion. Free alarms are still available from Kent Fire and Rescue Service until stocks run out. At the time of writing this report, there are approximately 5000 free alarms available to Kent Landlords.

### **3.0 Statement of Principles**

**3.1** Subject to Cabinet agreement it is proposed to publish the statement of principles on the Council's website. Further communication to landlords will occur in consultation with the Council's communications department. This will most likely take the form of advertisements in local press and mailing out directly to known landlords.

**3.2** The draft statement of principles can be seen in Appendix 1. This explains the reasoning behind determination of the penalty charge levels. The statement of principles has been based on Leeds City Council's statement of principles, which has been held up as a good practice example by the Chartered Institute of Environmental Health. The majority of Kent Local Authorities have adopted, or are considering adopting the same principles and levels of penalty charge (including Swale, Dartford, Tunbridge Wells, Sevenoaks, Tonbridge and Malling, Thanet, Gravesham, and Canterbury).

**3.3** The penalty charge structure to be levied in Shepway is proposed at £2500 for a first offence (reducing to £1250 if paid within 14 days of the demand being served). For subsequent offences the charge will be £5000 (reducing to £2500 if paid within the first 14 days).

**3.4** The level of penalty charge has been set having taken into consideration what would be a sufficient level to make it a deterrent to not complying with the remedial notice. The charge will also sufficiently cover the cost of remedial works in default, administration costs and officer time. Consideration was given to a reduced charge for early payment (similar to parking penalty charges) and to bring it in line with other Kent and Countrywide Local authorities who will be adopting similar charging structures.



#### 4.0 Risk Management Issues

##### 4.1 A summary of the perceived risks to the council is shown below:

Perceived risk	Seriousness	Likelihood	Preventative Action
Cost of works in default exceed the penalty charge monies successfully collected	High	Low	Battery operated alarms fitted to reduce cost and provide a quick solution (followed by enforcement through Housing Act 2004 provisions where necessary)
Potential appeal against penalty charge due to cost of works carried out	Medium	Medium	Three quotes will be obtained for the work to ensure value for money. The cost of the work will be far less proportionately to the punitive element of the charge, which reflects the seriousness of the offence in putting occupants' safety at risk.
Council fails to collect unpaid penalty charges	High	Low	Develop protocol with corporate debt to ensure timely collection of any funds due.

#### 5.0 LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

##### 5.1 Legal Officer's Comments (DK)

Legal Services confirms that where the Council has reasonable grounds to believe a landlord is in breach of the requirements of regulation 4 of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, the Council must serve a remedial notice on the relevant landlord. The remedial notice must contain the information set out in regulation 5(2), including which property it relates to, the reason it is being issued and what action the landlord needs to take next.

If a landlord does not prove it has taken all reasonable steps to remedy the situation, the Council must arrange for remedial action to be taken (where the occupier consents), including the installation of a required alarm. If consent is not given by the occupier (after having been given the required 48 hours notice by the authorised person), the Local Authority will not be taken as being in breach of a duty under this regulation where the authority can show it has taken all reasonable steps, other than legal proceedings, to comply with the duty.

The Council can impose a civil penalty of up to £5,000 on landlords who do not comply with the remedial notice. The Council should be open and transparent regarding the civil penalty and publish a statement of principles which it will follow when determining the amount of a penalty charge; the statement should be published on the Council's website.

Where the Council intends to impose a penalty, it must give written notice of its intention to do so in the form of a 'penalty charge notice' setting out required information, including the reasons for the penalty, the amount of the penalty, and that the landlord is required, within the specified period, to pay the penalty charge or request a review.

## **5.2 Finance Officer's Comments (DB)**

This report sets out the Council's duties under these Smoke and Carbon Monoxide Alarms regulations. The duty requires landlords to ensure that alarms are provided in certain cases. Where a landlord does not comply, the Council has a duty to enforce compliance. If works in default are necessary, a contractor will be required to fit alarms. This cost should be recoverable from the landlord. The charges to be levied are set out in paragraph 3.3. If there is any net cost at the year end, this can be funded from by the CMT Contingency.

## **5.3 Diversities and Equalities Implications (AH)**

A comprehensive diversity and equalities impact assessment has been completed in relation to the council's overall Housing Assistance Policy. The policy is currently under review and a further IA will be carried out to incorporate this as the new policy emerges. It is a statutory requirement for the council to implement this scheme. No negative impacts have been identified through this process.

## **5.4 Communications Implications (ML)**

The penalty charge statement of principles will have to be published on the council's website and made available for landlords. A copy of the statement of principles will be sent with any remedial notice to ensure that the landlord is

fully aware of the penalty charge level they face if they do not comply with the notice.

We will further publicise landlords' responsibilities through appropriate channels so they are aware of the changes in legislation and their legal responsibilities. This will include direct communication and further publicity agreed with the communications team

## **6.0 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Kerry Petts, Private Sector Housing Team Leader

Tel: 01303 853520

Email: Kerry.petts@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- Appendix 1 – Statement of Principles (attached)

## Appendix 1

### **Statement of principles for determining financial penalties**

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

##### **Introduction**

This statement sets out the principles that Shepway District Council (the Council) will apply in exercising its powers to require a relevant landlord (landlord) to pay a financial penalty.

##### **Purpose of the Statement of Principles**

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

The Council may revise its statement of principles at any time, but where it does so, it must publish a revised statement.

When deciding on the amount for the penalty charge, the Council will have regard to the statement of principles published at the time when the breach in question occurred.

##### **The legal framework**

The powers come from the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations), being a Statutory Instrument (2015 No 1693) which came into force on 1 October 2015.

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
- a carbon monoxide alarm is installed in any room of a premises used as living accommodation, which contains 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 believes 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 then fails to take the remedial action specified in the notice within the specified timescale, the Council can require a landlord to pay a penalty charge. The power to charge a penalty arises from Regulation 8 of these Regulations

A landlord will not be considered to 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.

Shepway 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.

### **The purpose of imposing a financial penalty**

The purpose of the Council exercising its regulatory powers is to protect the interests of the public.

The aims of financial penalties on landlords are to:

- Lower the risk to tenant's health and safety
- Reimburse the costs incurred by the Council in arranging remedial action in default of the landlord
- Change the behaviour of the landlord and aim to prevent future non-compliance
- Penalise the landlord for not installing alarms after being required to do so, under notice
- Eliminate financial gain or benefit from non-compliance with the regulations.
- Be proportionate to potential harm outcomes, the nature of the breach, and the cost benefit to comply with these legal requirements.

### **Criteria for the imposition of a financial penalty**

A failure to comply with the requirements of a remedial notice allows the Council to require payment of a penalty charge.

In considering the imposition of a penalty, the authority will look at the evidence concerning the breach of the requirement of the notice. This could be obtained from a property inspection, or from information provided by the tenant or agent that no remedial action had been undertaken.

For example, landlords can demonstrate compliance with the Regulations by supplying dated photographs of alarms, together with installation records or confirmation by the tenant that a system is in proper working order.

Landlords need to take steps to demonstrate that they have met the testing at the start of the tenancy requirements. Examples of how this can be achieved are by tenants signing an inventory form and that they were tested and were in working order at the start of the tenancy. Tenancy agreements can specify the frequency that a tenant should test the alarm to ensure it is in proper working order.

In deciding whether it would be appropriate to impose a penalty, the authority will take full account of the particular facts and circumstances of the breach under consideration.

A financial penalty charge will be considered appropriate if the Council is satisfied, on the balance of probabilities that the landlord who had been served with remedial notice under Regulation 5 had failed to take the remedial action specified in the notice within the time period specified.

### **Criteria for determining the amount of a financial penalty**

The Regulations state the amount of the penalty charge must not exceed £5,000.

The penalty charge comprises two parts, a punitive element for failure to comply with the absolute requirement to comply with a remedial notice and a cost element relating to the investigative costs, officer time, administration and any remedial works arranged and carried out by the Council's contractors.

The penalty charge is payable within 28 days beginning with the day on which the penalty charge notice is served.

The Council has discretion to offer an early payment reduction if a landlord pays the penalty charge within 14 days beginning with the day the penalty charge notice is served.

The charges are as follows:

	Penalty Charge	Early payment reduction (50%) if paid within 14 days
1 <sup>st</sup> breach	£2500	£1250
Subsequent breaches	£5000	£2500

### **Procedural matters for Penalty Charge Notices**

The Regulations impose a number of procedural steps which must be taken before the Council can impose a requirement on a landlord to pay a penalty charge.

When the Council is satisfied that the landlord has failed to comply with the requirements of the remedial notice, all penalty charge notices will be served within 6 weeks.

Where a review is requested within 28 days from when the penalty charge notice is served, the council will consider any representations made by the landlord. All representations are to be sent to the address at the bottom of this document. The Council will notify the landlord of its decision by notice, which will be either to confirm, vary or withdraw the penalty charge notice.

A landlord who has requested a review of a penalty charge notice and has been served with a notice confirming or varying the penalty charge notice, may appeal to the First-tier Tribunal against the Council's decision. Appeals should be made within 28 days from the notice served of the Council's decision on review.

If the penalty charge notice is not paid, then recovery of the penalty charge will be by an order of the court and proceedings for recovery will commence after 30 days from the date when the penalty charge notice is served.

However, in cases where a landlord has requested a review of the penalty charge notice, recovery will not commence until after 28 days from the date of the notice served giving the Council's decision to vary or confirm the penalty charge notice. Where landlords make an appeal to the First-tier Tribunal, recovery will commence after 28 days from when the appeal is finally determined or withdrawn.

### **Remedial Action taken in default of the landlord**

Where the Council is satisfied that a landlord has not complied with a specification described in the remedial notice in the required timescale and consent is given by the occupier, the Council will arrange for remedial works to be undertaken in default of the landlord. This work in default will be undertaken within 28 days of the Council being satisfied of the breach. In these circumstances, battery operated alarms will be installed as a quick and immediate response.

Smoke Alarms – In order to comply with these Regulations, smoke alarms will be installed at every storey of residential accommodation. This may provide only a temporary solution as the property may be high risk because of:

- its mode of occupancy such as a house in multiple occupation or building converted into one or more flats,
- having an unsafe internal layout where fire escape routes pass through living rooms or kitchens, or
- is 3 or more storeys high.

A full fire risk assessment will subsequently be undertaken, with regards to the Housing Health and Safety Rating System and LACORS Housing - fire safety guidance. This will consider the adequacy of the type and coverage of the smoke alarm system, fire escape routes including escape windows and fire separation measures such as fire doors and protected walls and ceilings. Any further works required to address serious fire safety hazards in residential property, that are not undertaken through informal agreement, will be enforced using the Housing Act 2004, in accordance with the Council's Enforcement Policy.

Carbon Monoxide Alarms – In order to comply with these Regulations, a carbon monoxide alarm will be installed in every room containing a solid fuel combusting appliance. This includes where useable open fire places are present.

### **Contractors used for Works in Default**

The Council will obtain three quotes from local handyperson services to ensure value for money. The alarms required to be installed through works in default of a remedial notice will be provided and installed by the Handy Person Service. All handypersons will be authorised in writing by the Council to carry out this work on the Council's behalf. A copy of the invoice for carrying out works can be obtained by the landlord upon request to the address below.

**All communications** for representations made against the Remedial Notice (regulation 5) or the Penalty Charge Notice (regulation 8) are to be sent to:

Private Sector Housing  
Shepway District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

Or by email to: [privatesector.housing@folkestone-hythe.gov.uk](mailto:privatesector.housing@folkestone-hythe.gov.uk)

**Appeals** against a decision by the Council to confirm or vary a penalty charge notice can be made to the First Tier Tribunal at:

Southern Residential Property First Tier Tribunal  
6 Market Avenue  
Chichester  
West Sussex  
PO19 1YE

Email: [rpsouthern@hmcts.gsi.gov.uk](mailto:rpsouthern@hmcts.gsi.gov.uk)

Tel: 01234 779394



This report has been made public 13 April 2016

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



www.shepway.gov.uk

Report Number **C/16/98**

**To:** Cabinet  
**Date:** 13 April 2016  
**Status:** Key Decision  
**Head of service:** Andy Jarrett – Head of Strategic Development Projects  
**Cabinet Member:** Councillor David Monk – Leader of the Council

**SUBJECT:** Hythe Swimming Pool and Princes Parade Site

**SUMMARY:**

The report provides an update on recent decisions related to the replacement of Hythe Swimming Pool and considers options for the uses and the extent of uses to be incorporated into an application for planning permission for land at Princes Parade, Hythe, within the ownership of Shepway District Council.

**REASONS FOR RECOMMENDATION:**

To allow the use and extent of uses for a planning application for the Princes Parade site to be agreed in accordance with the resolution of Cabinet on 4<sup>th</sup> November 2015.

**RECOMMENDATIONS:**

1. To receive and note report C/16/98.
2. That the uses and extent of uses, as set out in Section 3 of the report, be used as the as the basis for the preparation of an application for planning permission for the Princes Parade site.
3. That a further report, setting out the detail and nature of the planning application be presented to Cabinet prior to the submission of the application.
4. To note that officers are continuing investigations to establish facts and acquire knowledge to enable conclusions to be drawn and decisions to be made and that the Council intends to publish all relevant documentation by the end of November 2016 at the latest.

## 1. Background and Context

1.1 At its meeting on 4<sup>th</sup> November 2015 Cabinet considered report C/15/38 that set out the options for the delivery of a new Recreation Centre. The report concluded that the most suitable location for the Recreation Centre was The Green, Hythe but if it was not possible to deliver that option then the Princes Parade site, in the ownership of Shepway District Council, would be the preferred choice, recognising that much needs to be done to mitigate the heritage concerns associated with the development.

1.2 The report also addressed the need to seek final confirmation, from Kent County Council, as to whether they wished the relocation of Seabrook Primary School to form part of a comprehensive scheme for the redevelopment of the Princes Parade site. The following resolutions were agreed by Cabinet.

- *To invite Hythe Town Council to formally resolve, by the 31<sup>st</sup> January 2016, to make land available at the Green, Hythe for the purpose of constructing a public Recreation Centre. The land to be made available for £1 on a freehold or alternatively, a leasehold basis for a minimum of 125 years.*
- *Subject to Hythe Town Council's agreement to 2. Above, to prepare a planning application for a new recreation centre on Hythe Town Council owned land at the Green. Hythe.*
- *To invite Kent County Council to formally resolve, by the 31<sup>st</sup> January 2016, to construct a new primary school on Shepway District Council owned land at Princes Parade, Hythe. Shepway Council to make land available at Princes Parade, Hythe on a long lease. All construction and land remediation costs of the school site to be met by Kent County Council.*
- *Taking account of the decisions of Hythe Town Council and Kent County Council the District Council to prepare a planning application for the comprehensive mixed use redevelopment of land at Princes Parade, Hythe. The uses and extent of the uses to be determined at a future meeting of Cabinet.*

## 2. Update on the Outcome of the Cabinet Decisions

2.1 Following the resolutions of Cabinet made on 4<sup>th</sup> November 2015, Hythe Town Council were invited to consider making land available land at The Green for the construction of a public Recreation Centre on the terms set out above. In addition an application for planning permission was submitted by Shepway District Council on 9<sup>th</sup> November 2015 (ref Y15/1136/SH), the description of which is set out below :-

***Outline application for the erection of a Leisure Centre with associated parking and access, reserving matters of appearance and landscaping for future consideration.***

- 2.2 Hythe Town Council considered the request on 18<sup>th</sup> January 2016 and the following was resolved.

*Subject to agreement and confirmation from Shepway District Council and sight of plans by Hythe Town Council:*

- 1.1 *A lease be granted to Shepway District Council for the provision of a leisure centre for a period of seventy years, for a peppercorn rent. The land will revert to Hythe Town Council or its successors at the completion of the lease. The terms will exclude Part II (Security of Tenure for Business, Professional and other Tenants) of The Landlord and Tenant Act 1954 or equivalent as amended.*
  - 1.2 *That Shepway District Council indemnifies Hythe Town Council for legal costs relating to the preparation of the lease and any possible litigation costs in relation to the lease.*
  - 1.3 *That a new covenant be entered into for the Green to be used for community purposes and leisure purposes only. The leisure facilities are to include a swimming pool, training pool and fitness centre.*
  - 1.4 *Shepway District Council to agree that there will be free parking for leisure centre users.*
  - 1.5 *That Shepway District Council works with Hythe Town Council to create a revised agreement to protect the remaining Green open space from further development.*
  - 1.6 *That planning application Y15/1136/SH be deferred pending presentation of fuller plans than is presently contained in the outline application, in particular: location, building materials, design, roadways etc.*
- 2.3 On 24<sup>th</sup> February 2016 (ref C/15/80) Cabinet considered a confidential report C/15/80, that assessed the offer from Hythe Town Council following the undertaking of further due diligence work. Cabinet unanimously decided that it could not accept the offer owing to the Restricted Covenants on the land title to not accept the offer from Hythe Town Council and to therefore pursue the development of the Recreation Centre on the Princes Parade site.
- 2.4 In addition, by the deadline of 31<sup>st</sup> January 2016, no notification had been received from Kent County Council stating that they wished to pursue the development of a replacement for Seabrook Primary School on the Princes Parade site.

### **3. The Uses and Extent of Uses for Proposed Planning Application**

- 3.1 In accordance with the decision of 4<sup>th</sup> November 2015 this report will now consider the uses and extent of uses to be included within the planning application for the Princes Parade site. Tibbalds Planning and Urban Design were appointed to consider options based on the following uses :-

- Residential
- Leisure Centre (based on the Affordable Recreation Centre)
- Yacht club
- Open Space

3.2 The Land Use Options report as prepared by Tibbalds is attached as Appendix A. It is recommended that the core uses identified in Option 1 be used as the basis for preparing an application for planning permission, including the preparation of further detailed studies and stakeholder discussions, and that a further report, presenting a detailed masterplan for the site , be presented to Cabinet once those studies and stakeholder discussions have concluded.

3.3 Option 1 is recommended as the preferred choice as it provides the best opportunity to create a vibrant mix of uses on the site (and on the adjoining area of beach/sea) and has the potential to help a well supported and longstanding local organisation meet their future needs and aspirations. In addition to the core uses included in Option 1 it is also recommended that the development of the masterplan considers the inclusion other uses, that will increase the level of vibrancy on the site and the surrounding area, such as bars, cafes', a seafood restaurant, ice cream kiosks etc. The inclusion of residential uses enables the high infrastructure costs to be met and also scope to provide high quality design of both landscape and townscape. The residential uses will help meet local need and will aim to include provision for the elderly and also affordable homes (including starter homes).

3.4 The uses identified above will also be complimented by the presence of the Seapoint Canoe Centre, who currently operate at the eastern of the site, and who have recently obtained planning permission for a new permanent facility. The club has indicated that it will benefit greatly from being in close proximity to the Recreation Centre, as well being able to access both the sea and the Royal Military Canal.

#### **4. RISK MANAGEMENT ISSUES**

4.1 A summary of the perceived risks is as follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Further technical work indicates that the preferred option cannot be pursued	High	Medium	Reassess the preferred option and report to Cabinet
Stakeholder discussions indicate that the preferred option cannot be pursued	High	Medium	Reassess the preferred option and report to Cabinet

### **Legal Officer's Comments (DK)**

There are no legal implications arising directly out of the report. However Cabinet should take into account when considering the relevant options that when implementing the chosen option there will be planning implications and negotiations with relevant stakeholders needing to be addressed together with the need for competitive procurement of contractors for construction of the chosen development.

### **Finance Officer's Comments (LW)**

Although there are no financial implications directly arising from this report there is an approved budget of £500K for preparation costs for the redevelopment proposals for the Princes Parade site at Hythe.

### **Communications**

Comments have been incorporated into the Report.

### **Diversities and Equalities Implications (DS)**

There are no diversity and equality implications directly arising from this report.

## **5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officers prior to the meeting

Andy Jarrett – Head of Strategic Development Projects

Telephone: 07713081278

Email: [andy.jarrett@folkestone-hythe.gov.uk](mailto:andy.jarrett@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of

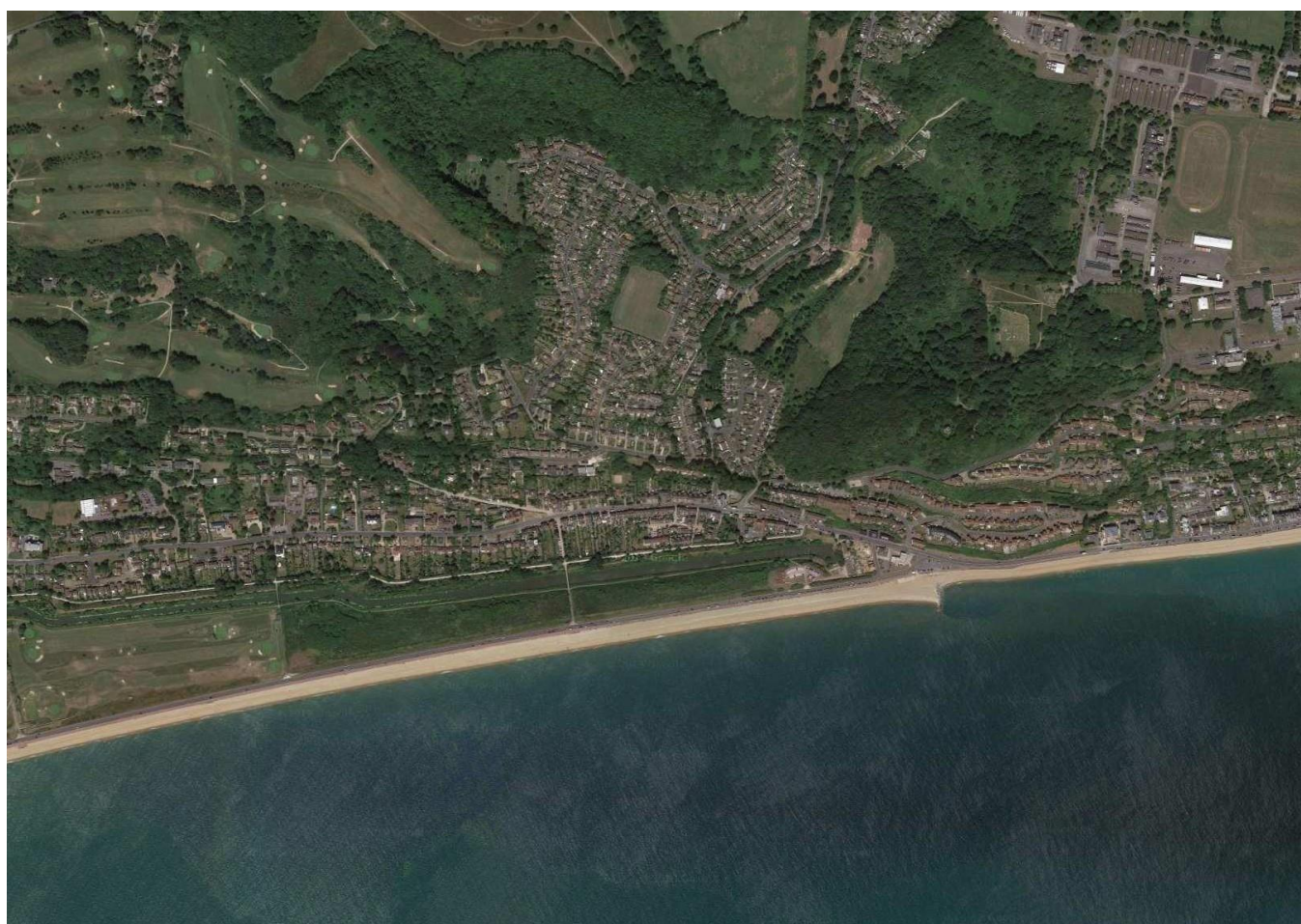
this report:

**Appendices:**

1. Land Use Options – Princes Parade, Folkestone, Tibbalds

Land Use Options  
Princes Parade, Folkestone

17.03.2016



# I Contents

<b>1</b>	<b>Assumptions</b>	<b>1</b>
<b>2</b>	<b>Options</b>	<b>4</b>
	Option 1	4
	Option 2	5
	Option 3	6



# I 1. Assumptions

## Introduction

Shepway District Council (SDC) owns a 7 hectare area of land to the west of Folkestone known as 'Land at Princes Parade'. Adjacent to the scheduled monument of the Royal Military Canal, the site was formerly used for landfill. Landfilling has ceased and the site is overgrown with scrub. SDC wishes to explore the potential for bringing forward development on the site to provide a range of uses, potentially including a new leisure centre along other sports / leisure facilities, open space and residential development.

This report sets out some initial land use options that test out what the site may be capable of accommodating. The land uses considered are:

- a new leisure centre incorporating a swimming pool;
- relocation of the Hythe and Saltwood sailing club;
- open space; and
- residential.

This section of the report sets out the assumptions we have made in relation to these land uses.

## Sailing Club

The Hythe and Saltwood Sailing Club is based in Hythe and comprises a small building fronting onto Marine Parade, overlooking the sea, with a storage area for dinghies to the rear. The Club has submitted a planning application to extend its building. The site area is approximately 0.056 hectares.

There may be potential to relocate the Sailing Club into a new facility at Princes Parade. On the basis of discussions with SDC, we have assumed that the Sailing Club's site area would be increased by around 25% to approximately 0.07 hectares.

There is an existing canoe club to the east of the Council's land at Princes Parade. There may be opportunities for these two clubs to share events / facilities and so the new sailing club would be located at the eastern end of the site area.

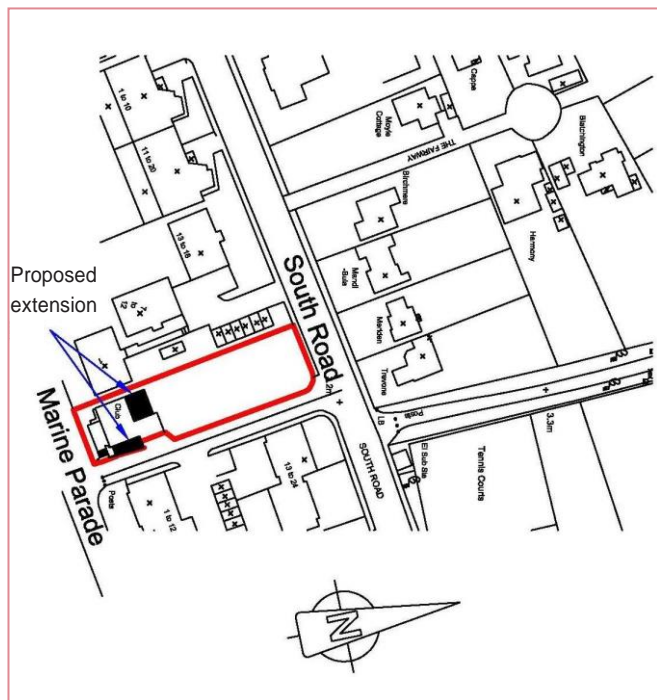


Fig 1: Existing sailing club - Location Plan



Fig 2: Aerial view of existing sailing club

## Leisure Centre

A review of new leisure centre development options has been undertaken by Strategic Leisure Ltd and GT Architects on behalf of SDC. This review is set out in a report dated January 2014, and explores a range of options for providing a facility incorporating:

- a six lane 25 metre swimming pool along with a learner pool;
- an 80 station gym;
- a four badminton court sized hall;
- a studio, vending area and changing facilities; and
- surface car parking for around 100 spaces.

There are some variations between the options, but a site area of around 0.8 hectares would enable a range of solutions to come forward. Figure 3 below shows one of the options from the report.

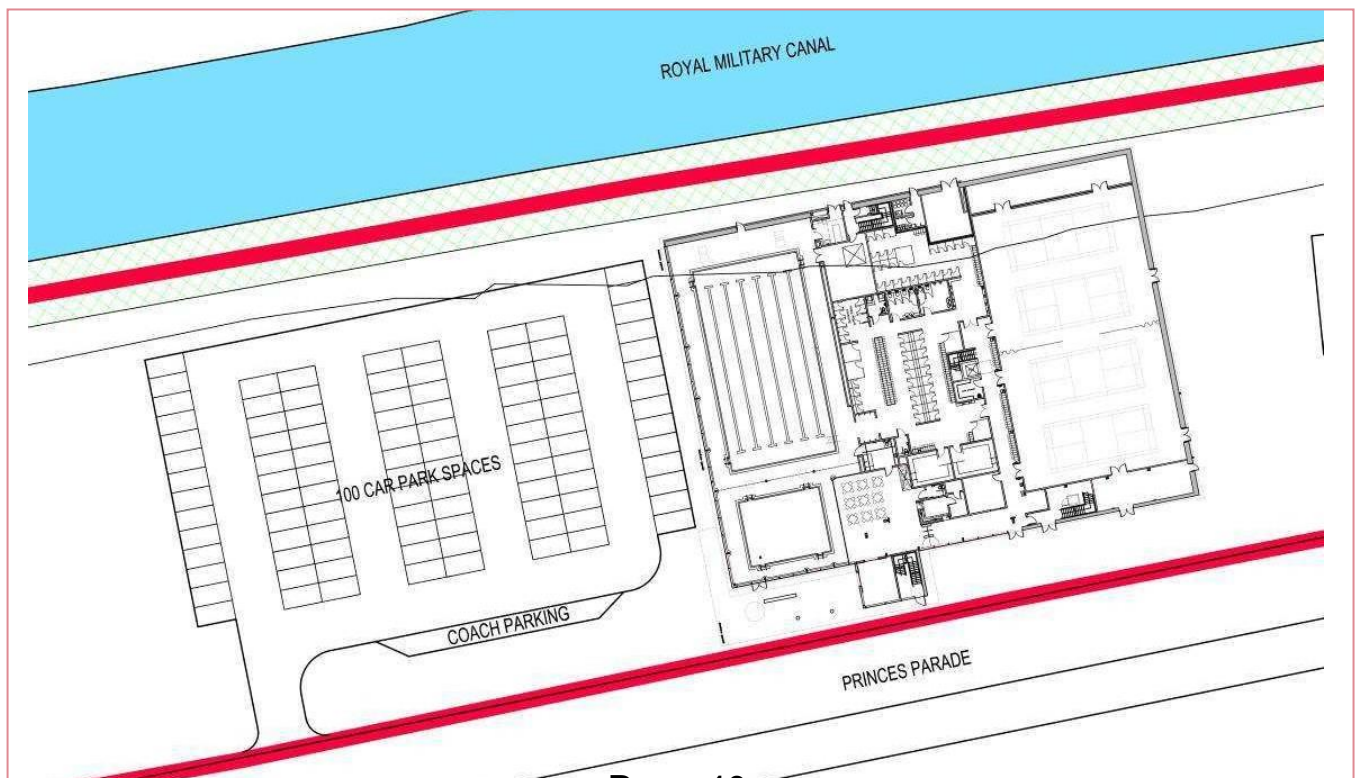
## Open Space

The Royal Military Canal is a schedule monument and - if development is to come forward on the site - will need to be treated very sensitively in the design and layout of the development. At the level of detail in this high-level report we have made two broad assumptions:

- a generous area of open space is provided at the 'kink' in the canal to the western end of the site. This reflects the importance of the gun emplacements at this kink; and
- a linear open space is provided along the length of the canal, so that all new development is set back from it and a public green space provides benefits for people walking along the canal.

In addition to these assumptions, any residential development would need to include open space within the built area.

Fig 3: Potential leisure centre layout



## Residential

There is an opportunity to bring residential development forward on the site to both meet housing need and release value that can be reinvested / cross-fund the provision of the community / leisure facilities. At this high-level stage, we have simply identified the site area that could be developed for residential and applied a range of densities to test out what could be delivered.

The Strategic Housing Land Availability Assessment (SHLAA) identifies that the site has the potential to deliver around 150 residential dwellings. Each of the options set out in this report is capable of delivering at least this number within a scheme of appropriate form and massing, that is:

- development that is predominantly two to three storeys in height, with the potential for some landmark elements to be higher;
- a mix of flats, terraced town houses and 'pavilion' housing along the seafront;
- development that relocates Princes Parade to the rear of the site, parallel with the Royal Military Canal and creates a strong linear form along this road; and

- is capable of incorporating small-scale mixed-uses at ground floor level - e.g. a cafe or restaurant.

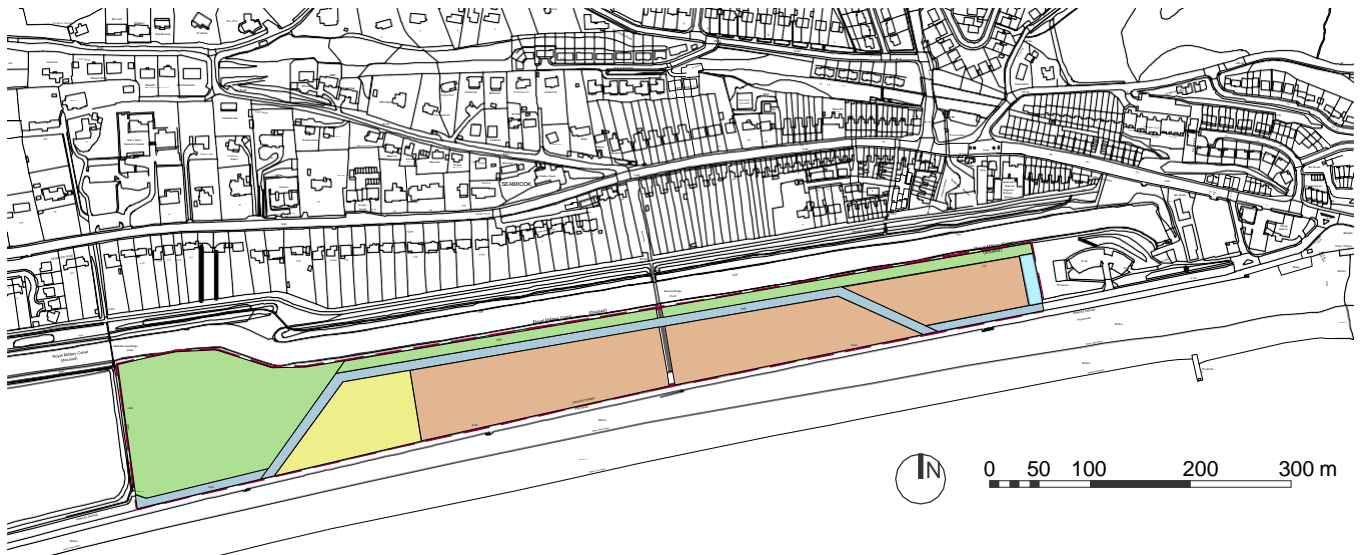
Residential is likely to be implemented by a different developer to leisure facilities. We have made the assumption that the residential site will be more attractive to the market as a single area, rather than interspersed between other uses.

Fig 4: Open space considerations



# I 2 Options

## Option 1



Housing = 3,55 Ha

Leisure centre = 0,80 Ha

Yacht club = 0,07 Ha

Open space = 2,88 Ha

■ Includes the following:

- Yacht Club
- Leisure Centre
- Open Space
- Residential

■ Yacht Club located at eastern end of site close to adjacent Seapoint Canoe Centre

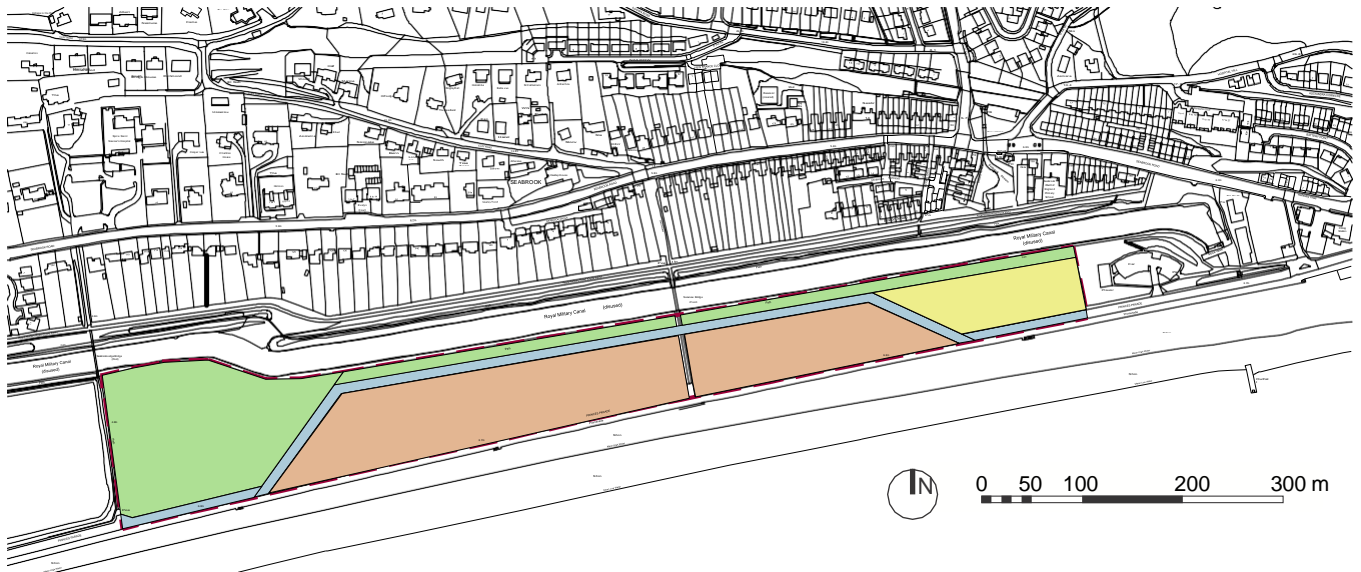
■ Leisure Centre located at western end of site, where it is most accessible to residents of Hythe

■ Density of 42 dwellings per hectare (dph) would deliver just under required minimum of 150 dwellings. Up to around 50 dph possible.

Density	No. of units
35	124
42	149
45	160
50	178

■ Impact of Yacht Club is minimal in reducing number of dwellings - around 4 in total.

## Option 2



Housing = 3,65 Ha

Leisure centre = 0,80 Ha

Open space = 2,88 Ha

■ Includes the following:

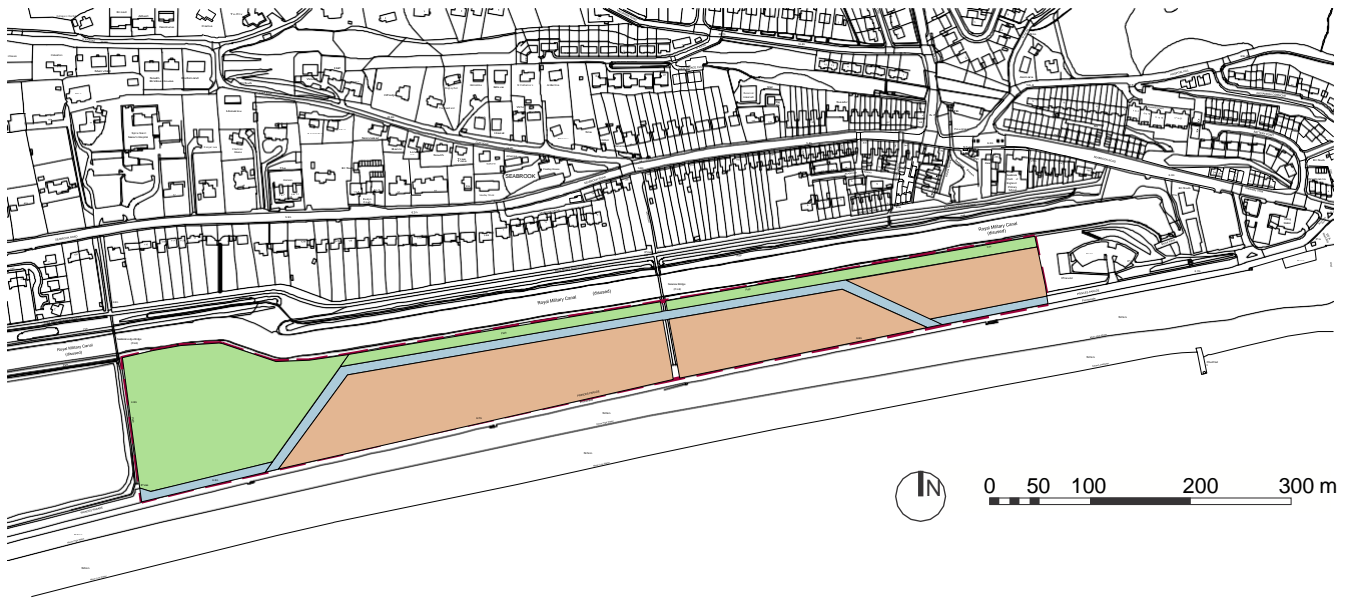
- Leisure Centre
- Open Space
- Residential


■ Leisure Centre located at eastern end of site close to adjacent Seapoint Canoe Centre


■ Density of 41 dph would deliver required minimum of 150 dwellings. Up to around 50 dph possible.

Density	No. of units
35	128
41	150
45	164
50	183

## Option 3



 Housing = 4,46 Ha

 Open space = 2,88 Ha

■ Includes the following:

- Open Space
- Residential

- Density of 34 dph would deliver just over required minimum of 150 dwellings. Up to around 50 dph possible.

Density	No. of units
34	152
40	178
45	200
50	223

- Density of 34 dph rather low to achieve appropriate 'seafront' urban form, and so would expect this option to deliver at least 200 dwellings



