



Agenda

Meeting: **Cabinet**
Date: **15 December 2021**
Time: **5.00 pm**
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.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although social distancing rules have been relaxed, for the safety of the public, elected members and staff, we will continue to seat members of the public approximately one metre apart. This means that there will be 13 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

All attendees at meetings are kindly asked to wear face coverings, unless they are addressing the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

Members of the Council should declare any interests which fall under the following categories:

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

Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369
Email: committee@folkestone-hythe.gov.uk or download from our
website www.folkestone-hythe.gov.uk

3. **Minutes (Pages 7 - 14)**

To consider and approve, as a correct record, the minutes of the meeting held on 24 November 2021.

4. **Budget Strategy 2022/23 (Pages 15 - 38)**

This Budget Strategy sets out the guidelines for preparing the 2022/23 Budget. It supports the Corporate Plan and aligns with the direction and objectives of the Medium Term Financial Strategy (MTFS).

The Budget Strategy takes account of current and future financial issues, sets out the underlying assumptions and initial budget-setting proposals and provides a timetable for delivering a balanced budget in 2022/23.

5. **Fees & Charges 2022/23 (Pages 39 - 62)**

This report focuses on the proposed fees and charges for 2022/23 which will contribute towards meeting the council's 2022/23 budget objectives and Medium Term Financial Strategy.

The Council's Fees and Charges Policy was revised and agreed by Cabinet on 15 November 2017 (Report C/17/54).

6. **Discretionary Rate Relief Policy review (Pages 63 - 66)**

This report is seeking approval from Cabinet to bring the DRR policy up to date and insert information on Section 44a partially occupied relief.

7. **Update to the Contaminated Land Strategy (Pages 67 - 110)**

The council has a duty under Part 2A of the Environmental Protection Act 1990 to manage contaminated land within the district. The council is expected for this purpose to prepare a Contaminated Land Strategy. The strategy must cover a number of objectives notably how contaminated land is identified, risk assessed and remediated if required. Legally, only land where contamination is assessed as a significant risk is considered under the strategy. Land where contamination is present is routinely considered under the Planning Regime for new developments. There have been no major changes to legislation or statutory guidance since the strategy was last reviewed in 2017. The latest version of the strategy is a general update on progress since the last review.

8. **Hythe Town Council Grounds Maintenance Contract Tender (Pages 111 - 118)**

This report gives an overview of Hythe Town Council's Grounds Maintenance Contract and seeks permission to submit a tender for this work, and if successful enter into contract for the 5 year period.

A confidential unredacted version of the report is also appended to the agenda pack for Cabinet Members.

9. **Exclusion of the Public**

To exclude the public for an 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 to the Local Government Act 1972 –

‘Information relating to the financial or business affairs of any particular person (including the authority holding that information). “Financial or business affairs” includes contemplated as well as current activities.’

This page is intentionally left blank

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.

This page is intentionally left blank

Minutes

Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 24 November 2021
Present	Councillors John Collier, Ray Field, David Godfrey, Mrs Jennifer Hollingsbee (Vice-Chair), David Monk (Chairman), Tim Prater, Lesley Whybrow and David Wimble (minutes 47 to end)
Apologies for Absence	Councillor Stuart Peall
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), Alastair Clifford (Chief Officer - Operations), Gavin Edwards (Performance and Improvement Specialist), Cheryl Ireland (Chief Financial Services Officer), Amandeep Khroud (Assistant Director), Jyotsna Leney (Health, Wellbeing and Partnership Senior Specialist), Sue Lewis (Committee Services Officer), Fred Miller (Transportation Lead Specialist), Hazel Sargent (Low Carbon and Sustainability Specialist) and Charlotte Spendley (Director of Corporate Services)

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

43. **Declarations of Interest**

It was noted that all members are on the Folkestone Parks and Pleasure Grounds Charity – Board of Trustees which is referred to in the addendum to agenda item 10.

44. **Minutes**

The minutes of the meeting held on 20 October 2021 were submitted, approved and signed by the Chairman.

45. **Safeguarding Policy**

The Council is part of the statutory safeguarding role within the wider public sector, with responsibilities to children, young people and vulnerable adults. The children, young people and vulnerable adults safeguarding policy of the Council has been updated and is attached at Appendix 1. Cabinet are advised that the safeguarding policy is refreshed every two years and that the changes made to the 2019 policy include new legislation and changes to practice that are incorporated in the 2021 policy.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor John Collier and

Resolved:

- 1. To receive and note report C/21/42.**
- 2. To endorse the refreshed Folkestone & Hythe District Council Children, Young People and Vulnerable Adults Safeguarding Policy and recommend to Full Council for approval.**

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

Reason for Decision:

Cabinet was asked to approve the refreshed policy as safeguarding is a statutory requirement and the Policy advises the Council how we meet these obligations.

46. **District owned street lighting**

The proposals will contribute to the council's carbon reduction options plan by converting street lights to low cost/ low carbon LED lighting. The report details issues arising through forced maintenance changes to the council's street lighting stock and proposes the most cost effective long term management of the assets.

Proposed by Councillor Lesley Whybrow
Seconded by Councillor Ray Field and

Resolved:

- 1. To receive and note report C/21/44.**
- 2. To agree to proceed with upgrading all district owned highway lights, and transferring assets to KCC where possible including the payment of the commuted sum of £70,034.**
- 3. To approve funding from the years 21/22 and 22/23 from the Climate Change Reserve of £478,369 to cover the costs of the LED conversion for all assets and the commuted sum to KCC for adoption of 340 assets.**
- 4. To seek full Council approval for a capital budget of £745,000 for the two phases of street lighting works outlined in section 3 of the report to be funded from the Climate Change Reserve (£408,335) and the Capital Receipts Reserve (£336,665).**
- 5. To reduce the revenue maintenance budget from £71,300 to £20k in the financial year 2023/24 in light of savings made from the upgrade.**

6. To replenish the climate change reserves with the first year of savings from the project.

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

Reason for Decision:

The conversion of street lights to LED is included in the council's immediate actions/measures to reduce carbon emissions, and is part of the Carbon Action Plan. The long term provision and maintenance of the district council's street light stock poses a significant capital and revenue cost risk. Agreeing to the proposed upgrade and asset handover limits the total expenditure to the council, significantly reduces carbon emissions, and will ensure the safety of all street lights.

47. Key Performance Indicators review 21/22 and Half Year performance report (Q1 and Q2)

The report provides an update on the Council's performance for the first two quarters of the year covering 1st April 2021 – 30th September 2021. The report enables the Council to assess progress against the approved key performance indicators arising from the Council's new Corporate Action Plan.

Key performance indicators will be monitored during 2021-22 and reported to CLT and Members quarterly.

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

Resolved:

- 1. To receive and note report C/21/50.**
- 2. To note the performance information for Quarters 1 & 2 2021/22 in Appendix 1.**

(Voting: For 7; Against 0; Abstentions 1)

Reason for Decision:

- a) The Council is committed to monitoring performance across all of its corporate service ambitions to ensure progress and improvement is maintained.
- b) The Council needs to ensure that performance is measured, monitored and the results are used to identify where things are working well and where there are failings and appropriate action needs to be taken.

48. Queen's Green Canopy

The report explores the opportunity to take part in a nationwide tree planting campaign, known as The Queen's Green Canopy. The purpose of this campaign is to mark the occasion of the Queen's Platinum Jubilee that takes place next year. It introduces the proposed donated tree policy and the resources necessary to deliver this.

Proposed by Councillor Lesley Whybrow
Seconded by Councillor John Collier and

Resolved:

- 1. To receive and note report C/21/49.**
- 2. To agree that the council:**
 - a. Signpost individuals and community groups to the Queen's Green Canopy and the Woodland Trust websites to purchase individual trees, to apply for free trees and for aftercare advice;**
 - b. To plant commemorative trees in Cheriton Recreation Ground and provide a plaque to commemorate the occasion;**
 - c. To adopt the donated tree policy.**

(Voting: For 8; Against 0; Abstentions 0)

Reason for Decision:

The Queen's Green Canopy is an opportunity for the Council and the District's citizens to mark an historical event and to show appreciation for the Queen's service. The recommendations will contribute to a legacy that will benefit the future.

49. HRA Budget Monitoring Quarter 2

The monitoring report provides a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 31 August 2021.

Proposed by Councillor David Godfrey
Seconded by Councillor David Monk and

Resolved:

- 1. To receive and note Report C/21/46.**

(Voting: For 8; Against 0; Abstentions 0)

Reason for Decision:

Cabinet was asked to agree the recommendations set out below because Cabinet needs to be kept informed of the Housing Revenue Account position and take appropriate action to deal with any variance from the approved budget and be informed of the final 2021/22 position.

50. General Fund Revenue Budget Monitoring - 2nd quarter 2021/22

The monitoring report provides a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 31 August 2021.

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

Resolved:

1. To receive and note Report C/20/48.

(Voting: For 8; Against 0; Abstentions 0)

Reason for Decision:

Cabinet was asked to agree the recommendations set out below because it needs to be informed of the council's General Fund revenue budget position and take appropriate action to deal with any variance from the approved budget.

51. **General Fund Capital Programme Budget Monitoring 2021/22**

The monitoring report provides an initial projection of the current financial position for the General Fund capital programme profiled for 2021/22, based on expenditure to 31 August 2021, and identifies variances compared to the latest approved budget.

An addendum was circulated to members in respect of the Folkestone Parks and Pleasure Grounds Charity which took place prior to this meeting.

Proposed by Councillor David Monk

Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved:

1. To receive and note report C/21/45.

(Voting: For 8; Against 0; Abstentions 0)

Proposed by Councillor David Monk

Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved:

2. To receive and note the addendum to Report C/21/22, which is appended to these minutes.

(Voting: For 6; Against 1; Abstentions 1)

Reason for Decision:

Cabinet was 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.

52. **Medium Term Financial Strategy 2022/23 to 2025/26**

The Medium Term Financial Strategy (MTFS) is the Council's key financial planning document. It puts the financial perspective on the council's Corporate Plan priorities, expressing the aims and objectives of various plans and strategies in financial terms over the four year period ending 31st March 2026. It covers both revenue and capital for the General Fund. Also included are the

Council's reserves policies. The MTFS is a key element of sound corporate governance and financial management.

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

Resolved:

Cabinet is asked to recommend to Council:

- 1. To receive and note Report C/21/52.**
- 2. To recommend that the Medium Term Financial Strategy, as appended to this report, is adopted by Full Council.**
- 3. To adopt the Reserves Policy outlined in appendix 2 of the report.**

(Voting: For 8; Against 0; Abstentions 0)

Reason for Decision:

Cabinet was asked to recommend the recommendations set out below because:-

- (a) The MTFS is the council's key financial planning document.
- (b) The strategy defines the financial resources needed to deliver the council's corporate objectives and priorities and covers the financial implications of other key strategies.
- (c) The council needs to be able to carry out an early assessment of the financial implications of its approved policies and strategies and also external financial pressures facing the authority to ensure that it has robust budgeting and remains financially viable.

53. Biggins Wood - Development Update

The report (with redaction to cover commercially sensitive matters) provides an update to Members regarding the current position of the Biggins Wood site. Following the last Cabinet report in July 2019 (C/19/12) the report updates on the sale of the housing land as previously agreed and asks Members to consider new offers made for the commercial element of the site. The report provides details of the Council's successful bid to One Public Estate's, Brownfield Sites Release Fund and outlines the forward programme for ecology, remediating the site, and delivering the associated infrastructure. Members are also asked to note that Officers will be publishing a tender for the remediation and infrastructure works in order to commence works as early as possible in 2022.

Proposed by Councillor John Collier
Seconded by Councillor David Godfrey and

Resolved:

- 1. To receive and note report C/21/51.**
- 2. To note that legal work has progressed with [REDACTED] for the disposal of the residential land as previously agreed by Cabinet in July 2019.**

- 3. To agree that offer One 'A' from [REDACTED] for the commercial element of the site represents best value to the Council and provide delegated authority to the Director, Housing & Operations to commence legal work to conclude the deal.**
- 4. To note acceptance of the Brownfield Land Release Fund of the sum of £1.15m.**
- 5. To agree that the Council deliver the site via a Design & Build contract to bring forward a clean, serviced site ready for disposal and provide delegated authority to the Director, Housing & Operations in consultation with the Cabinet Member for Property Maintenance and Grounds Maintenance to enter into the contract following appropriate procurement processes.**
- 6. To agree that the funding in the existing Capital Programme totalling [REDACTED] (for Biggins Wood) is to be used with the Brownfield Land Release Fund of £1.15m to undertake the remediation and servicing of the site.**
- 7. To seek Full Council approval to increase the budget for the scheme by [REDACTED] to [REDACTED] and to provide a further contingency budget of [REDACTED] to meet any further costs associated with remediating and servicing the site from the Business Rates Growth Fund held in the Economic Development Reserve.**
- 8. To agree that the Director for Housing & Operations be authorised with the agreement of the Leader of the Council and Cabinet Member for Property Management and Grounds Maintenance and in consultation with the Director of Corporate Services to undertake any further activity to conclude the agreements set out in this paper and dispose of the site.**
- 9. To approve that [REDACTED] of the capital receipt from the anticipated sale of the overall site is used to reduce the Capital Financing Requirement to offset the prudential borrowing incurred for the General Fund element of the original acquisition costs and fees.**

(Voting: For 7; Against 0; Abstentions 1)

The council has received two new offers for the commercial element of the site which need to be considered by Members. The report also updates Members of the Council's success in obtaining funding from the Government's One Public Estate – Brownfield Land Release Fund and outlines a clear way forward including tendering a new Design and Build contract to bring forward a clean, serviced site ready for disposal to the Council's delivery partners.

This page is intentionally left blank

This Report will be made public on 7 December 2021



Report Number **C/21/54**

To: Cabinet
Date: 15 December 2021
Status: Key Decision
Head of Service: Charlotte Spendley, Director of Corporate Services
Cabinet Member: Councillor David Monk, Leader of the Council

SUBJECT: BUDGET STRATEGY 2022/23

SUMMARY:

This Budget Strategy sets out the guidelines for preparing the 2022/23 Budget. It supports the Corporate Plan and aligns with the direction and objectives of the Medium Term Financial Strategy (MTFS).

The Budget Strategy takes account of current and future financial issues, sets out the underlying assumptions and initial budget-setting proposals and provides a timetable for delivering a balanced budget in 2022/23.

REASONS FOR RECOMMENDATIONS:

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

- (i) The Budget Strategy provides the framework for compiling the detailed 2022/23 budgets;
- (ii) The Budget Strategy will support the delivery of the MTFS; and
- (iii) The Budget Strategy enables the publication of initial proposals, timescales and provides details of the arrangements for consultation as required by the constitution

RECOMMENDATIONS:

1. To receive and note report C/21/54.
2. To recommend to Full Council the adoption of the Budget Strategy for 2022/23 set out in this report.
3. To approve the General Fund revenue growth & savings proposals for 2022/23 (Appendix 2).
4. To approve the General Fund capital growth proposals for 2022/23 (Appendix 3).
5. To agree the proposed timetable for preparing 2022/23 budgets (Appendix 4).
6. To agree the proposed arrangements for consultation

1. INTRODUCTION

- 1.1 The Cabinet are required to publish initial proposals and a timetable, as well as provide details on the arrangements for consultation ahead of the budget framework itself being considered.
- 1.2 This report covers those requirements, setting out the initial proposals and a timetable that will be used to inform the setting of the detailed budget for 2022/23. The Budget Strategy is consistent with the direction and objectives of the updated MTFS.
- 1.3 The MTFS and Budget Strategy are aligned with the council's strategic financial objectives, which are:
- To maintain a balanced Budget such that expenditure matches income from Council Tax, fees and charges, and government and other grants and to maintain that position.
 - To maximise the council's income by setting fees and charges, where it has the discretion and need to do so, at a level to ensure at least full cost recovery, promptly raising all monies due and minimising the levels of arrears and debt write offs.
 - To ensure a long term sustainable view is taken of any investments and the appropriate risk analysis is provided in considering those.
 - To set a rate for Council Tax which maximises income necessary for the council to deliver its strategic objectives but ensures that government referendum limits are not exceeded. The percentage increase will be reviewed annually.
 - To ensure resources are aligned with the council's strategic vision and corporate priorities.
 - To safeguard public money and ensure financial resilience.
 - To maintain an adequate and prudent level of reserves.

2. CURRENT FINANCIAL POSITION

2020/21 General Fund Budget Outturn

- 2.1 The final contribution to the General Fund Reserve was £3.4m. This included a net transfer to Earmarked Reserves of £2.9m compared to a budgeted use of £3.6m.
- 2.2 Over recent years, Folkestone & Hythe has established a good track record of maintaining a healthy reserves position. This enables the council to have greater stability and resilience for dealing with current and future financial challenges and uncertainties.

2021/22 Forecast General Fund Budget Outturn

- 2.3 The Quarter 2 General Fund Revenue Budget monitoring for 2021/22 was reported to Cabinet at its meeting on 24 November 2021. There is a projected favourable variance of £511k for the year against the latest approved budget. The reasons for the variance are detailed in the monitoring

report and relate primarily to increased interest income and lower interest payable resulting from better than anticipated interest rates and increased parking income following quicker than anticipated recovery from the pandemic.

- 2.4 The Quarter 2 HRA Monitoring for 2021/22 was reported to Cabinet at its meeting on 24 November 2021 and sets out the projected outturn for HRA revenue and capital expenditure for 2021/22. The projections, based on actual expenditure and income to 31 August 2021, show there is a projected decrease in net expenditure of £1.2m on the HRA and an underspend of £1.6m on the capital programme against the £14.4m latest budget.
- 2.5 The latest projection for the General Fund capital programme in 2021/22 was also reported to Cabinet at its meeting on 24 November 2021 and it shows a reduction in planned capital expenditure of £22.7m against the latest budget. The main reason for the reduction is the re-profiling of Princes Parade Leisure Centre, Greatstone Holiday Lets scheme and Biggins Wood Commercial Development until 2022/23.

Government Funding

- 2.6 In February 2021, the Secretary of State for the Ministry of Housing, Communities and Local Government announced the final local government finance settlement 2021/22. This announcement followed on from consultation on the provisional settlement.
- 2.7 The main points of note from the settlement relevant for this council are as follows:

	2020/21	2021/22	Change
	£'000	£'000	£'000
Settlement Funding			
Revenue support grant	0	0	0
Baseline funding	3,733	3,733	0
Settlement funding assessment	3,733	3,733	0
Reduction in funding compared to 2020/21	n/a	0%	0%

New Homes Bonus

- 2.8 The settlement announcement included no changes to the New Homes Bonus scheme methodology or distribution. In addition to funding legacy payments associated with previous allocations, the Government announced that allocations for 2021/22 would follow the approach taken in 2020/21 with a new round of in-year allocations for 2021/22 which will not result in legacy payments being made in subsequent years. The NHB baseline was maintained at 0.4% and only growth above this level will attract NHB payments.
- 2.9 The council currently receives £836k in NHB payments with all of this funding being used to support services. The remaining balance of previous allocations are set aside within a reserve to fund the additional cost of services.

Spending Review and Autumn Budget 2021

- 2.10 For the past two years the government has only held single-year Spending Reviews, with 2019 being a single year due to the political turbulence around Brexit, and 2020 being a single year given the COVID-19 pandemic. However, in September the government announced its intention to complete a multi-year Spending Review (SR2021), setting revenue and capital budgets for 2022/23 to 2024/25.
- 2.11 SR2021 was announced on 27 October 2021 and represents the first return to multi-year statements since 2015. It focuses on the following key themes:
- Investing in growth
 - Supporting people and businesses
 - Building back greener
 - Levelling up
 - Advancing Global Britain
 - Seizing opportunities of Brexit
- 2.12 Local Government's Core Spending Power will increase by £3.3bn (3.4%) in 2022/23 which includes:
- New grant funding for local government of £1.6bn in 2022/23 (worth £4.8bn over the next three years). Details of how this funding will be distributed and which services it will be allocated to will be confirmed in the provisional settlement.
 - A core Council Tax referendum principle of up to 2% (maintained from 2021/22) with an additional 1% per annum flexibility for social care authorities to increase the Social Care Precept.
 - Small Business Rates multiplier will be frozen again in 2022/23 (instead of increasing by CPI) but local authorities will be fully compensated through a section 31 grant.
 - Retail, Hospitality and Leisure business rates relief will be extended at 50% for 2022/23, subject to a £110,000 cash cap. These reliefs will continue to be fully funded by government.
 - The conclusion of the business rates review which, from 2023, will include 3-yearly revaluations and new investment reliefs to encourage green investment and premises improvements with any increase in rates payable delayed for 12 months.
 - £3.6bn additional funding will be made available over 3 years for social care reform to implement the cap on personal care costs and the changes to the means test.
 - Investment in affordable housing, with £1.8bn added with a view to delivering £10bn of investment during the Parliament, and 1m new homes in the SR2021 period. Of this, £300m will be distributed to local authorities (and mayoral combined authorities) to support the development of smaller brownfield sites.
 - Adjustments to the regime for Right to Buy receipts with authorities now allowed to spend these over a longer timeframe (increasing to five years from three years), to pay up to 40% of the cost of a new home (up from 30%), and to allow them to be used for shared ownership and First Homes.

- The public sector pay freeze will not continue, and the intention is to return to the usual system of independent pay commission recommendations for 'fair and affordable' pay rises over the whole Spending Review period. The minimum wage will be increased to £9.50 per hour, accepting the Low Pay Commission's recommendation.
- £560m announced for youth services and £850m over the SR2021 period for cultural and heritage infrastructure.
- Other funding announced included £38m to be made available to support authorities with cyber security and £35m to strengthen local delivery and transparency, though some of this will be required to set up the new Audit Reporting and Governance Authority as a new system leader for local audit.
- The Spending Review also confirmed allocations for the first round of bids from the Levelling-Up Fund (£1.7bn out of the £4.8bn total).

2.13 There was no announcement about local government funding reforms (Fair Funding Review or business rates reform) and no announcements on New Homes Bonus. These are expected to be included within the provisional settlement.

2.14 The Provisional Local Government Finance Settlement is anticipated to follow the Spending Review announcement in mid-late December. Any financial impacts arising from the announcement will be built into the draft detailed budget papers being presented to Cabinet in January 2022.

3.0 2021/22 FINANCIAL FORECAST

Medium Term Financial Strategy (MTFS)

3.1 The MTFS is the council's key financial planning document. It links the council's strategic priorities with the financial resources required to deliver them. The MTFS covers a four year period, providing the context and framework within which the Budget Strategy is prepared, and considers the implications of the council's approved priorities. It also takes in to account the uncertainty surrounding the financial climate that the council is working within. The MTFS is updated each year, most recently in November (Cabinet report C/21/52).

3.2 The current MTFS forecasts a cumulative funding gap of £5.8m over the lifetime of this MTFS. This is based on a 2% annual council tax increase for the period of the MTFS. These will be subject to political decisions at the appropriate time. The table below shows the cumulative deficit over the period of the MTFS.

	2022/23	2023/24	2024/25	2025/26
	£000	£000	£000	£000
Forecast Deficit	1,596	4,155	5,088	5,752

3.3 The current MTFS forecasts a deficit of £1.6m in 2022/23. This Budget Strategy explains the assumptions underlying this forecast (section 4 below) and proposals for addressing next year's funding gap (section 5 below).

Reserves

- 3.4 Total General Fund reserves at 1 April 2021 amounted to £27.4m, of which £3.8m was held within the General Reserve. The table below shows projected reserves at 31 March 2022 before any application towards new budget growth or initiatives.

Description of Reserve	Balance 1/4/21 £000	Forecast Balance 31/3/22 £000
General Reserve	3,822	4,333
Earmarked Reserves:		
Business rates	2,723	1,902
Invest to save	-	-
Carry forwards	691	567
IFRS	8	5
Vehicles, equipment and technology	283	317
New Homes Bonus initiatives	2,341	1,997
Corporate initiatives	598	69
Maintenance of Graves	12	12
Leisure	547	447
Otterpool Park	-	-
Economic Development	1,991	1,799
Community Led Housing	365	310
Lydd Airport	9	9
Homelessness Prevention	488	586
High Street Regeneration	2,070	1,054
Climate Change	4,946	4,600
Covid Recovery	6,501	300
Total Earmarked Reserves	23,573	13,974
Total General Fund Reserves	27,395	18,307

4.0 BUDGET ASSUMPTIONS

- 4.1 Appendix 1 explains the changes between the 2021/22 approved budget and 2022/23 budget forecast that have been taken into account in the MTFs. These changes comprise:

	£'000
2021/22 Net Approved Budget (balanced budget)	0
Inflationary Pressures 2022/23 (net)	663
Corporate Funding Changes 2022/23 (net)	441
Service Changes 2022/23 (net)	(536)
Net Movement in Contributions To/(From) Reserves	1,028
MTFS Forecast 2022/23 Budget Deficit - Before Growth and Savings Proposals	1,596

MTFS Funding Assumptions 2022/23

- 4.2 Income from Business Rates is based on last year's estimates, pending a full review. The MTFS shows a 1% increase compared to 2021/22, largely reflecting the assumption not to budget for significant growth in 2022/23 given the uncertainties that remain following the impact of COVID-19. This area remains volatile with an uncertain position on growth and outstanding appeals.
- 4.3 A council tax increase of 2% has been assumed pending the final decision by Full Council in February 2022. Further detail in the Spending Review and the Local Government Finance Settlement is awaited to confirm the maximum increase for 2022/23 without requiring a referendum. A council tax base increase of 0.5% and a balanced Collection Fund have been assumed for 2022/23.
- 4.4 Continuation of current New Homes Bonus receipts but no new monies from 2022/23 due to uncertainties around the awaited provisional settlement.

MTFS Expenditure and Income Assumptions 2022/23

- 4.5 Additional unallocated net employee costs amount to £469k in 2022/23, covering the estimated costs of an assumed salary award at 1.5%, salary increments and the impacts of the local government pension fund valuation.
- 4.6 Contract inflation of £184k has been included in the non-pay budget forecast based on prevailing inflation rates within existing contracts.
- 4.7 An increase of 2% has been assumed in relation to the Internal Drainage Board levy.
- 4.8 Net Interest forecasts a decrease of £614k compared to the 2021/22 estimate.
- 4.9 Fees and charges income assumptions are based on current budgets and existing policies, adjusted for proposed changes as detailed in the Fees & Charges 2022/23 report to this meeting of Cabinet.

5.0 2022/23 BUDGET PROPOSALS

- 5.1 The council will continue to use a range of approaches to address the deficit in the short and medium term, including:
- Reviewing the level of council tax
 - An annual review of fees and charges
 - Pursuing alternative income streams
 - Continuing the use of digital technologies to transform services
 - Exploring appropriate commercial opportunities
 - Growing the local economy
 - Reviewing all services to generate efficiencies
 - Containing new budget pressures within allocated resources, and
 - Considering the use of reserves to help manage year on year variations in income and expenditure.

Budget Growth 2022/23

- 5.2 Service heads and budget managers were asked to identify any unavoidable budget growth items that were necessary to ensure future service sustainability and address unavoidable budget pressures. These total £444k and are detailed at Appendix 2. Further to the proposed £444k is a further £444k for IT developments, officers are currently exploring if any of these costs could be met utilising flexible capital receipts. These growth proposals are draft, and further work is underway both in respect of the use of capital receipts to support the proposed IT developments required and further consideration of the resource requirements for Otterpool Park.

Budget Savings and Efficiencies 2022/23

- 5.3 Service heads and budget managers were also asked to identify any savings items and a rigorous review of the 2021/22 base budget and previous years' outturns has been undertaken by departments in liaison with CLT. This review identified net potential savings and efficiencies of £807k.

Fees and Charges 2022/23

- 5.4 A review of fees and charges has been undertaken and the outcome has been included in a separate Fees & Charges report to this meeting. The proposed changes to fees and charges are anticipated to increase net income receipts by £240k.

The increase comprises:

Increased income	£
Street Naming & Numbering	3,180
Parking (Off-Street)	170,470
Parking (On-Street)	53,970
Licensing	6,080
Caravan Licensing	1,400
Housing (HMO Fees)	5,000
Other	100
Total	240,200

Forecast Budget Deficit 2022/23

- 5.5 Based on the work undertaken to date, the latest forecast deficit is set out below. Members should note that this position will change as more detail becomes available.

	£'000
Forecast deficit – November 2021 MTFS	1,596
Add: budget growth proposals	444
Less: further savings and efficiencies	(807)
Less: increase in income generated	(240)
Revised Forecast Deficit 2022/23	993

- 5.6 As noted above there is further growth of £444k related to ICT developments, some of which may be able to be met from flexible capital receipts. Options for addressing the forecast deficit for 2022/23 are now being considered in

preparation for the detailed budget report to Cabinet in January and will take into consideration:

- Any new factors affecting local government funding arising from the Government funding settlement announcements in late December
- Collection Fund surplus/deficit assumptions, with reference to the latest in-year collection performance
- The outcome of ongoing work to review the revenue budget savings and growth proposals at Appendix 2
- Exploration of alternative funding options, and
- The action that is being taken to address the residual budget gap.

6.0 HOUSING REVENUE ACCOUNT (HRA)

6.1 This Budget Strategy does not explore the Housing Revenue Account further as the council approved on 19 February 2020 a revised HRA business plan for the period 2020 to 2050. This included the impact of the new rent guidance announced in February 2019 allowing rents to increase by CPI + 1% for 5 years from 2020/21 as well as the continuation of the new build capital programme which was updated to deliver a further 1,000 homes over the ten year period from 2025/26 to 2034/35 and a capital investment of £10m into existing housing stock.

6.2 Since the HRA Business Plan was approved the COVID-19 pandemic hit in March 2020 which will have an unforeseen impact on the delivery of the new build programme. In addition the Housing Service was brought back in-house in October 2020. A thorough stock condition survey is being carried out on existing HRA housing stock to inform the Asset Management Strategy and capital programme. It is anticipated that the HRA Business Plan will be updated in early 2022 once this work is complete.

6.3 The detailed 2022/23 HRA revenue and capital budgets that will be submitted to Cabinet in January 2021 will be based on the latest review of the revenue and capital position taking into account known impacts of COVID-19 and outcomes from the stock condition surveys.

7.0 CAPITAL PROGRAMME

7.1 As part of the Budget Strategy, Cabinet is asked to consider the proposals for new capital schemes to be included in the council's General Fund Capital Programme for 2022/23. Any new capital scheme to be included in the programme will need to contribute to the objectives set out in section 1.3 of this report. New General Fund capital scheme proposals of £300k for 2022/23 are shown in Appendix 3 to this report. Additionally the council's General Fund Medium Term Capital Programme (MTCP) will need to be updated to include recurring schemes planned to continue over the 5 year period to 2026/27.

7.2 Capital Receipts – the existing MTFS states that a minimum of £500k in capital receipts must be retained as a contingency to meet urgent or unforeseen capital expenditure. The council's general policy is that only capital receipts received should be earmarked to fund capital projects. The only departure from this is ring-fencing the use of future repaid decent homes

loans and home safe loans receipts to be reinvested in further private sector housing improvement loans. The latest position regarding the council's available capital receipts to fund capital expenditure, based on the initial capital budget monitoring for 2021/22, is shown in the following table:

Capital Receipts Position Statement	£'000
Receipts in hand at 30 September 2021	(9,879)
Less:	
Committed towards General Fund capital expenditure	2,545
Committed towards HRA capital expenditure	5,510
Ring-fenced for specific purposes	78
Contingency for urgent or unforeseen capital expenditure	500
Balance available to support new capital expenditure	(1,246)

- 7.3 Over the term of the MTFs the council expects to receive further capital receipts which it could choose to use to fund its future General Fund capital expenditure plans or retain for investment purposes. This excludes 'Right to Buy' disposals of council dwellings where the retained element of capital receipts are required to be reinvested directly in local social housing initiatives. This also currently excludes any potential future capital receipts that may be generated through the council's current 'invest to save' initiatives.
- 7.4 Other Capital Funding Sources - in addition to the available capital receipts, the council can choose to use its revenue resources (earmarked revenue reserves and balances) or consider prudential borrowing to fund its General Fund capital expenditure plans. Prudential borrowing will incur a revenue cost to the General Fund in terms of interest and a minimum revenue provision charge (MRP). Therefore, prudential borrowing is best suited to capital 'invest to save' projects, such as Otterpool Park, Connect 38 Offices, Oportunitas Ltd and the Biggins Wood Commercial development, that will provide a net long term financial return to the council allowing for these costs. The current approved MTCP requires about £99.6m of prudential borrowing to support it, some of which will be off set in time by external funding.
- 7.5 Any capital scheme included in the approved capital programme requiring external grant funding to support it will only be allowed to commence once a formal funding agreement has been established between the council and the relevant funding body.
- 7.6 The proposed growth for the Capital programme does not at this stage include provision for the Council's Levelling Up Fund bid. The district has been identified as a priority area and the Council is currently developing its bid proposals, in line with previous decisions taken. The bid is anticipated to be submitted in summer 2022, and will be subject to a separate decision at that time. The Capital Programme is a fluid 5 year rolling budget and therefore it is proposed to consider growth to the programme in respect of the Levelling Up Fund bid once it has been further developed.

8.0 THE BUDGET TIMETABLE

- 8.1 By early March each year the council is required by law to approve its budget (revenue, capital and HRA) and council tax levels for the forthcoming year. The Full Council meets in February to do this. Advance notice is given in the publication of key decisions to be made.
- 8.2 Detailed guidance on the annual budget preparation process was circulated to officers in September 2021. This guidance covered roles and responsibilities; the links between finance and service planning; expected standards and approach; and the timetable for preparing the 2022/23 Budget.
- 8.3 The 2022/23 Budget timetable is attached at Appendix 4.

9.0 BUDGET CONSULTATION

- 9.1 There is a duty under section 65 of the Local Government Finance Act 1992 to consult ratepayers (or bodies appearing to represent ratepayers) about proposed expenditure, including capital expenditure, prior to calculating the council tax requirement under S31a (England) of the Act.
- 9.2 The objectives for consultation on the 2022/23 budget proposals are to:
- Engage with key stakeholder groups and local residents;
 - Seek feedback on specific budget proposals for 2022/23; and
 - Seek feedback on general spending and income generation priorities.
- 9.3 This will be achieved through making budget information available to the public, inviting feedback, meeting with representatives from the business community and attending the Joint Parish Council Committee meeting in January.
- 9.4 Following the November meeting of the Overview and Scrutiny Committee it is proposed that in addition to the publication of a survey to seek stakeholder views which will be available on the website, promoted through social media channels, that we will also seek to promote the survey through noticeboards in libraries and community hubs to engage those who do not have access to social media. The Council will also seek to develop a short video to further explain Council Tax and the services provided that it supports. Furthermore, we will be ensuring all Councillors have the relevant information to directly engage with their constituents and provide a route for feedback to be provided.

10.0 RISK MANAGEMENT ISSUES

- 10.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
MTFS becomes out of date.	High	Low	The MTFS is reviewed annually through the budget process and

Perceived risk	Seriousness	Likelihood	Preventative action
			was most recently refreshed in November 21..
Assumptions may be inaccurate.	High	Medium	Budget monitoring is undertaken regularly and financial developments nationally are tracked. Assumptions are regularly reviewed.
Budget strategy not achieved.	High	Low	The budget making process is controlled closely with regular reconciliations and updates made.
Incorrect assessment of Local Government Finance Settlement impact.	High	Low	The Spending Review and Local Government Finance Settlement will inform latest forecasts.
Failure to take action to address forecast medium term financial pressures as well as focusing on the 2022/23 budget position.	High	Medium	Ensure that MTFS forecasts are monitored and timely interventions identified and implemented to address future deficits.

11.0 LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

11.1 Legal Officer's Comments (NM)

There are no legal implications arising directly out of this report, subject to the Council ensuring its general fiduciary duties are met, including those of consulting with rate payers and ensuring best value. The Council is required to follow a professional code of practice published by CIPFA and regulations set out by the government, including the Local Government Finance Act 1992.

11.2 Finance Officer's Comments (CI)

The Budget for 2022/23 will be submitted to council in February 2022. This Budget Strategy is the first stage in the detailed budget process and will be used to inform the preparation of budget estimates.

11.3 Diversities and Equalities Implications (GE)

The budget report to Full Council in February 2022 will include an Equality Impact Assessment of the budget recommendations for 2022/23.

11.4 **Climate Change Implications (OF)**

As this report only sets out the guidelines for preparing the 2022/23 budget, there is no climate change implications arising from this report.

12.0 **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

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

Cheryl Ireland, Chief Financial Services Officer

Tel: 07834 150176

E-mail: cheryl.ireland@folkestone-hythe.gov.uk

Charlotte Spendley, Director of Corporate Services

Tel: 07935 517986

E-mail: charlotte.spendley@folkestone-hythe.gov.uk

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

Fees & Charges Report 2022/23

Medium Term Financial Strategy 2022/23 – 2025/26

Appendices:

Appendix 1 – Movement from 2021/22 Approved Budget to 2022/23 Base

Appendix 2 – General Fund Revenue Growth & Savings Proposals

Appendix 3 – Capital Programme Growth Proposals

Appendix 4 – Budget Timetable

This page is intentionally left blank

Budget Strategy - Movement from 2021/22 Approved Budget to 2022/23 Base

	£000
Net Budget - 2021/22	0
Inflationary Pressures	
Net Pay Increase (1.5% plus increments)	419
Pension Scheme Revaluation 2019	50
Contract Inflation (p.a.)	184
Internal Drainage Board (2%)	10
	<hr/> 663
Corporate Funding Changes	
Reduced New Homes Bonus	343
Interest	(614)
Council Tax income	(314)
Business Rates Collection Fund	(105)
MRP	756
Other Non-Service Related Grants	375
	<hr/> 441
Service Changes	
Removal of COVID grant funding	847
Additional Staffing Resources	260
Increased utility costs	53
Waste Contract Renewal (offset by corporate funding changes above)	(481)
Removal of non-recurring growth from 2021/22	(471)
Reduction in expenditure funded from reserves	(395)
Increased projected parking income	(283)
Increased Connect 38 rental income	(212)
Increased income from capital schemes	(159)
Other net changes	305
	<hr/> (536)
Net Movement in Contributions To/(From) Reserves	1,028
Forecast 2021/22 Budget Deficit Before Growth and Savings Proposals	<u>1,596</u>

This page is intentionally left blank

Growth Proposals

Portfolio	Description of Proposal	£
Recurring items		
Leader		
1	Finance Specialist	48,000
2	HR additional HMRC costs	15,000
3	Criminal Records Bureau costs	5,000
Communities		
4	External transport hire costs (Area Officers)	11,500
5	Community Safety Officer	34,427
6	Folkestone Air Display contribution	40,000
Housing & Special Projects		
7	Housing Support Officer (Fixed Term 2 years - grant funded)	40,170
Property Management and Grounds Maintenance		
8	Clothing & uniforms costs	5,000
9	Subscription costs	3,500
10	Toilet Cleaner (additional resource)	23,790
11	Decreasing KCC loan for coast protection schemes	8,000
12	Property maintenance costs	10,000
13	Donated seats costs	5,000
14	Decreasing Civic Centre rental income	24,000
Transport & Digital Transformation		
15	Case Officer Place (Parking)	24,300
16	ICT software maintenance costs	20,000
17	Increased parking contract payments	77,510
18	Reduced car park rental income	11,650
19	Car park maintenance costs	16,300
20	Increased debt registrations with court for PCNs	6,300
Total Recurring Revenue Growth Proposals 2021/22		<u>429,447</u>
Non-recurring items		
Enforcement Regulatory Services, Waste and Building Control		
1	Pollution reduction costs (contaminated land)	15,000
Total Revenue Growth Proposals 2021/22		<u>444,447</u>
IT Growth Items (potentially in part to be funded from Flexible Capital Receipts)		
1	ICT improvement costs (externally hosted Revenues & Benefits system)	314,000
2	Website CMS replacement	130,000
		<u>444,000</u>

Savings Proposals

Portfolio	Description of Proposal	£
Recurring items		
Leader		
1	Decrease in legal fees	(13,000)
2	Decrease in subscription costs	(2,500)
3	Decrease in training expenses	(19,000)
4	Decrease in travel costs	(900)
5	Decrease in overtime costs	(1,000)
6	Decrease in events costs	(825)
7	Decrease in Members' training costs	(2,000)
8	Decrease in Apprenticeship costs	(10,400)
9	Decrease in Customer services costs	(10,000)
10	Decrease in street name plates costs	(3,040)
11	Decrease in footpath lighting costs	(6,300)
12	Decrease in passenger shelter costs	(1,500)
Communities		
13	Decrease in professional fees	(5,000)
14	Increase in Lifeline income	(8,000)
Housing & Special Projects		
15	Decrease in tenant engagement costs	(6,975)
16	Decrease in temporary accommodation running costs	(10,000)
17	Increase in temporary accommodation income	(50,000)
18	Decrease in temporary accommodation costs (self-contained lets)	(20,000)
19	Decrease in removal & storage costs	(1,000)
20	Decrease in mediation costs	(3,000)
21	Decrease in professional advice costs	(2,000)
22	Increase in grant funding (to fund Housing Support Officer for 2 years)	(40,170)
Enforcement Regulatory Services, Waste and Building Control		
23	Increase in bulky waste income	(10,000)
24	Increase in garden waste income	(40,000)
25	Decrease in Land Registry fees	(6,750)
26	Decrease in professional advice costs	(20,000)
27	Increase in burials income	(20,000)
28	Decrease in ICT costs	(5,240)
29	Increase in fixed penalty notice income	(7,500)
30	Decrease in pollution reduction costs	(6,800)
31	Decrease in Planning temporary staff costs	(75,000)
32	Increase in Planning pre-application advice income	(13,100)
Property Management and Grounds Maintenance		
33	Decrease in property maintenance costs	(25,200)
34	Increase in donated seat income	(13,000)
35	Decrease in subscriptions costs	(1,500)
36	Decrease in Civic Centre costs	(5,000)
37	Increase in miscellaneous property rental income	(13,600)
38	Decrease in business rates on public toilets (no longer payable)	(34,420)
39	Increase in Connect 38 income	(125,000)
40	Increase in kiosk rental income	(24,000)

District Economy**APPENDIX 2**

41 Decrease in Folkestone CLLD salary costs (14,500)

Transport & Digital Transformation

42 Decrease in ICT software costs (40,000)

43 Decrease in computer equipment maintenance (7,840)

44 Removal of self service document scanner (11,000)

45 Decrease in publicity/advertising costs (700)

46 Increase in parking fines income (12,000)

47 Reduction in street & car park lining maintenance costs (3,000)

48 Increase in residents parking permits income (24,000)

49 Increase in parking permits income (4,000)

50 Increase in parking waivers income (10,000)

51 Increase in visior permits income (12,000)

Revenues & Benefits, Anti-Fraud & Corruption

52 Decrease in court costs (5,000)

Total Recurring Revenue Savings Proposals 2021/22 **(806,760)**

This page is intentionally left blank

2022/23 Capital Programme Growth Proposals

Service Area	Description of Proposal	2022/23 Capital Growth £
Operations		
1	Replacement Asset Management system to support robust Asset Compliance and provide DLO management software capability	60,000
2	Radnor Park footpath resurfacing to mitigate the risk of trip hazards. Delaying the resurfacing is likely to lead to additional maintenance works *	40,000
3	Provision of fishermans style huts for rent on the Stade in a prominent harbourside position. Scheme to include public realm improvements.	100,000
4	Additional toilet cleaner's van - revenue growth bid submitted for additional toilet cleaner's post and van required for this.	20,000
5	Replacement Park Keeper's vehilce - existing vehicle which is used daily is 7 years old and has become increasingly unreliable. Vehicle provides essential waste carrying capacity for the Parks & Open Spaces Team.	40,000
6	Replacement Electoral Management System (Onsite Software Option) - the existing system has become increasingly unreliable and is a risk to the integrity of managing the electoral process.	31,000
Council Capital Growth Proposals		<u>291,000</u>

*This scheme will form part of the FPPG Charity budget if agreed.

This page is intentionally left blank

2022/23 Budget Timetable

Date	Details
24 November 2021	Full Council <ul style="list-style-type: none"> • Medium Term Financial Strategy 2022/23 to 2025/26
15 December 2021	Cabinet <ul style="list-style-type: none"> • Budget Strategy 2022/23 • Fees and Charges 2022/23. <p>Budget consultation begins</p>
December 2021 (TBC)	Provisional local government finance settlement 2022/23 announced by Department of Levelling Up, Housing and Communities.
18 January 2022	Finance & Performance Sub-Committee <ul style="list-style-type: none"> • General Fund draft Revenue Budget 2022/23 • HRA revenue and draft Capital Budget 2022/23 • General Fund Draft Medium Term Capital Programme 2022/23 to 2026/27
26 January 2022	Cabinet <ul style="list-style-type: none"> • General Fund draft Revenue Budget 2022/23 • HRA revenue and Capital draft Budget 2022/23 • General Fund Draft Medium Term Capital Programme 2022/23 to 2026/27
Early 2022 (TBC)	Final Local Government Finance Settlement confirmed.
20 th January 2022	Budget consultation with Folkestone & Hythe Parish Councils Joint Committee
1 February 2022	Budget consultation ends
23 February 2022	Cabinet: <ul style="list-style-type: none"> • General Fund Budget & Council Tax 2022/23 • HRA Budgets and Rents 2022/23 • Capital and Investment Strategies
23 February 2022	Full Council : <ul style="list-style-type: none"> • General Fund Budget & Council Tax 2022/23 • HRA Budgets and Rents 2022/23 • General Fund Medium Term Capital Programme 2022/23 to 2026/27.

This page is intentionally left blank

This Report will be
made public on 7
December 2021

Report Number **C/21/55**

To: Cabinet
Date: 15 December 2021
Status: Key Decision
Head of Service: Charlotte Spendley, Director of Corporate Services
Cabinet Member: Councillor David Monk, Leader

SUBJECT: FEES AND CHARGES 2022/23

SUMMARY: This report focuses on the proposed fees and charges for 2022/23 which will contribute towards meeting the council's 2022/23 budget objectives and Medium Term Financial Strategy.

The Council's Fees and Charges Policy was revised and agreed by Cabinet on 15 November 2017 (Report C/17/54).

REASONS FOR RECOMMENDATIONS:

Cabinet agreed the recommendations set out below because the fees and charges are essential to support the delivery of the MTFs and Budget Strategy.

RECOMMENDATIONS:

1. To receive and note report C/21/55.
2. To approve:
 - (i) The 2022/23 fees and charges which are set at the discretion of the council for the General Fund and Housing Revenue Account, as outlined in Appendix 2;
 - (ii) The parking charges in Appendix 3;
 - (iii) The statutory charges subject to discretionary charges in Appendix 4.

1. INTRODUCTION AND BACKGROUND

- 1.1 The Fees and Charges Policy sets out the Council's charging framework. The Policy is outlined within Appendix 1 in full. It is felt that the policy remains relevant and no changes to the policy are proposed at this time.
- 1.2 The proposal for 2022/23 is to apply the CPI rate at June 2021 (2.5%) as the benchmark for price increases. There are exceptions to this principle where an inflationary increase is anticipated to have an adverse impact on demand or where it would place the charge out of line with comparable services in neighbouring councils.
- 1.3 The proposed discretionary fees and charges for 2022/23 are detailed at Appendices 2 to 4.

2. DISCRETIONARY FEES AND CHARGES – APPENDIX 2

2.1 Corporate Services

- 2.1.1 Court Costs – no increase proposed as no summonses issued in 2020/21 to base calculation on so would be difficult to justify an increase in costs.
- 2.1.2 Legal Fees – proposed increases are broadly in line with inflation however, some fees have been increased by more than 2.5% to recover costs and the proposed charges are still reasonable minimum charges. A new charge of £50 for Notice of Subletting is proposed following a new work stream that has generated income for the service.

2.2 Housing & Operations

- 2.2.1 Long Lease Renewals – it is proposed to increase the admin fee from £216 to £225 due to a 20% increase in the contractor valuation fee, and to increase the Title Plan admin fee by 20% to £180.
- 2.2.2 Housing – Non Statutory Inspection Fee increased from £127.50 to £153 based on officer time spent on inspection and letter generation.
- 2.2.3 Leaseholder Services – new charges have been added to the schedule which were not previously included within the payment structure; Lease Enfranchisement £225 per case; Sewage/Pump Station Management Fee £110 per property; Leasehold Management Fee (Leasehold/Shared Ownership/HRA Commercial) £220 per property.
- 2.2.4 All HRA resident charges to be increased by inflation rate in line with the agreed policy. Rent setting will be considered separately through the January HRA Cabinet paper and is not subject to these inflationary increases.

2.3 Operations

- 2.3.1 Parking Services – no increase proposed for Provision of White 'Access' Road Markings as the charge is in line with KCC.

- 2.3.2 Public Toilets – the charge for Dymchurch Sea Wall toilets is to be removed as the toilets are no longer coin access due to the failure rate of the doors and excessive repair timeframes.
- 2.3.3 Outdoor Sports and Recreation – wording has been changed to make charges generic (includes all football pitches) and Cricket and Mini Soccer charges have been removed as we no longer have these facilities.
- 2.3.4 Beach Huts – charges added for existing chalets at Marine Parade and new chalets to be developed at the Littlestone site.
- 2.3.5 Corporate Transactions – new charge proposed for Administration Fee for Sale of Land and Property of £335 which is in line with the Housing charge.
- 2.3.6 Memorial Benches & Trees – proposed increase of 10% due to a 7.5% increase in the cost of supply of goods from the manufacturer in 2021/22 and expected increases over the next financial year. A new charge of £755 has been added for the Cost of Planted Memorial Tree.
- 2.3.7 Private Lifeline – there are small increases proposed for some equipment due to an increase in costs, however it is recommended that there are no increases for the majority of charges so that the service remains competitive when compared with other providers. A new charge has been added for Smart Hub (new equipment) of £5.40 per week.

2.4 Place

- 2.4.1 Planning Pre-Application Charging Schedule – all fees are proposed to increase by 3.2% to reflect true costs of services and bring fees in line with other councils.
- 2.4.2 Waste & Recycling – it is proposed to add inflation to all waste charges except Bulky Waste charges which will remain at 2021/22 charges and Green Waste Collection which will remain at 2021/22 rates for new subscribers and reduce by £9.70 for renewals to reflect the agreed rebate for the suspended 2021/22 service (as agreed by Cabinet in October, C/21/38).
- 2.4.3 Hythe Swimming Pool – most charges are proposed to increase by inflation apart from Spectator Admission and Annual Membership costs where no increase is proposed to encourage increased numbers and the Adult (Front Crawl) Training Session fee has been realigned with other classes. The charge for Swimming – Off Peak is proposed to be removed to encourage people towards taking out memberships.
- 2.4.4 Taxi Licensing – most fees are proposed to increase by inflation with the exception of Copy/Amend Paper Licence fees which are set by legislation.
- 2.4.5 Miscellaneous Licensing – it is proposed that Street Trading Licences are increased by inflation but that charges for Market Stalls remain at 2021/22 rates and are a set fee all year round to encourage more usage. There are new

charges proposed for Commercial Hire of Town Centre of £180 per day and Pavement Licenses of £100 for licenses issued up to September 2022.

- 2.4.6 Caravan Site Licensing – a new fee of £203 is proposed for Application for Fit and Proper Person Register - Mobile Homes as required by Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020.
- 2.4.7 Cemeteries – most fees have been increased by inflation. Amendments to the schedule are proposed to remove the Deed of Grant fee included within the Person over 12 – Purchase Fee as the Deed of Grant fee is listed separately, and to add the £207 fee for Digging Fees – Children between 5-12 which was not previously listed.

3. PARKING CHARGES 2022/23 – APPENDIX 3

- 3.1 For Off-Street parking an increased hourly rate of 20p to £1.40 is proposed for the majority of car parks and to cap all day parking charges to £8.40, previously £8.00.

Exceptions to this are Sandgate Road and Castle Road and Wilberforce Road in Sandgate where it is proposed to increase fees by 50p across all tariff bands.

It is proposed to introduce a charge in West Hythe in line with other charges (£1.40 hourly rate).

No changes are proposed for charges for Church Road or Lower Sandgate Road and no change to for car park season tickets to encourage more uptake.

- 3.2 Car Park Resident Permits are proposed to increase by £5 to £65
- 3.3 For On-Street parking there is a proposed increase of 30p per hour to £1.50.
- 3.4 Proposals for Permits are Hotel Guest Vouchers to increase by £1 to £3 per 24 hour period; Resident Parking Permits to increase by £5 to £35; Resident Visitor Permits to increase by 80p for 5 sessions to £6; and Business Parking Permits to increase by £5 to £65.
- 3.5 Parking Permissions for Window Cleaners etc, are proposed to increase by £5 to £65.
- 3.6 The daily charge for Parking Waivers is proposed to increase by £2 to £10 and the weekly charge by £6 to £30.

4. STATUTORY CHARGES SUBJECT TO DISCRETIONARY FEES – APPENDIX 4

- 4.1 Housing – proposed increases for Licensing Application for Houses in Multiple Occupation (HMO) Fees have increased significantly but have been benchmarked against other East Kent authorities and proposed fees are middle of the range. The fee for Renewals is proposed to increase from £584 to £796

and the fee for New Applications is proposed to increase from £714 to £937. The fees are based on officer time spent on processing applications. It is also proposed to remove the Additional Fee per unit over 8 as the fee is applicable regardless of the number of units. The increase in New and Renewal fees will mitigate the removal of the Additional Fee.

- 4.2 Land charges – following comparison with other local authorities no increases are proposed except for the Local Land Charge Basic Research Fee and Official Search and Basic Research Fee for requests Submitted via NLIS which are to increase with inflation.

5. 2022/23 GENERAL FUND BUDGET IMPLICATIONS

- 5.1 The following budget changes have been proposed though the Budget Strategy document also being considered at this meeting in respect of income budgets. Additionally there are a few smaller income adjustments reflected in the Budget Strategy position through the base budget review. Several of these adjustments however are reflective of current trends rather than proposed changes to the fees & charges schedules.

The increase comprises:

	£
Increased income:	
Parking (Off-Street)	170,470
Parking (On-Street)	53,970
Miscellaneous Licensing	6,080
Housing (HMO Fees)	5,000
Street Naming & Numbering	3,180
Caravan Licensing	1,400
Other	100
Net	240,200

6. PROPOSED AMENDMENTS TO HOUSING REVENUE ACCOUNT FEES AND CHARGES

Charges for Wastewater Treatment Works and Pumping Stations

- 6.1 The 2021/22 Fees and Charges report highlighted that the HRA subsidises the cost of this service. As in previous years, Cabinet agreed to limit increases on the charge for this service for existing users to annual increases of 8% in 2021/22 where users of the service were already paying the maximum charge of £1,020 per property. Users whose charge was lower than this would continue to pay the actual cost of the service up to the capped maximum amount. Cabinet has also previously agreed that new purchasers of properties, who buy under the 'Right to Buy' scheme, pay the actual cost of wastewater treatment works and cesspools.

The increase to the capped charge takes it from £1,100 in 2021/22 to £1,180 in 2022/23.

Cesspools

- 6.2 In 2021/22 the same principle of the council recovering its costs up to a maximum of £1,100 for each household has previously been approved for the 7 council-owned properties which drain to cesspools. This produces annual income of £7,700. The cost of the service in 2020/21 was £12,385 and if the cost is about the same in 2021/22 the HRA would be subsidising the service by approximately £4,685. In line with the above, it is recommended that the cap remains at the already approved figure of 8% per annum for 2022/23 taking the annual charge to £1,180.
- 6.3 Garage Rental deposit proposed increase from £40 to £100 to encourage the return of garages in good condition. This charge has not previously been on the fees & charges schedule and will be added for 2022/23.
- 6.4 The charge for Hire of Scooter Store is proposed to increase by 20% to £3 per week based on the increase in energy prices (for charging scooters).
- 6.5 It is proposed to increase the charge for Guest Rooms - Sheltered Accommodation by £2 per night based on the fee being low in comparison to any other accommodation.
- 6.6 A new Item Collection fee (per instance) has been introduced of £75 charged to the tenant for collection of an item removed from a communal area.
- 6.7 The budget implications of these changes will be reflected in the Housing Revenue Account and Capital Original Budget 2022/23 report to Cabinet in February 2022.

7. RISK MANAGEMENT ISSUES

- 7.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Income targets are not achieved resulting in a budget deficit	High	Medium	All fees and charges and income budgets are reviewed in detail each year to ensure that they are reasonable and achievable.

8. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

- 8.1 **Legal Officer's Comments (NM)**

As a general rule, the Council is under a duty to act fairly in its decision-making, including exercising its discretion to increase relevant fees and charges. The Localism Act 2011 gives the Council a wide ambit of power to charge for its services and section 93 of the Local Government Act 2003 gives the Council capacity to charge for relevant services; on the basis it is doing so without 'trading' (or making a profit).

8.2 Finance Officer's Comments (CI)

The financial implications are set out in the report.

8.3 Diversities and Equalities Implications

The budget report to Full Council in February 2022 will include an Equality Impact Assessment of the budget recommendations for 2022/23.

8.4 Climate Change Implications

As this report only presents the proposed fees and charges for 2022/23 there are no climate change implications arising from it.

9. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Cheryl Ireland, Chief Financial Services Officer
Tel: 01303 853213
E-mail: cheryl.ireland@folkestone-hythe.gov.uk

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

Budget working papers

Appendices:

Appendix 1 - Fees and Charges Policy

Appendix 2 - Discretionary Fees and Charges Schedule

Appendix 3 – Parking Schedule

Appendix 4 - Statutory Fees Subject to Discretionary Charges Schedule

General Fees and Charges Policy

All fees and charges are subject to the following general policy.

1. There shall be full cost recovery so that general council taxpayers are not subsidising the costs of an optional service. Any exceptions to this rule can only be agreed by cabinet. Where there is a substantial change between the current charge and the full cost recovery amount, the increase can be staggered over a period of up to three financial years.

In addition:

2. Fees and charges are increased by the current rate of inflation (generally rounded up to the nearest 10p).

The main exceptions to this rule are:

- Court fees
- Room bookings at the civic centre – voluntary organisations
- Car parking – as subject to review in the Car Park Strategy
- Building control – subject to full cost recovery of building control chargeable element.
- Contract charges with other organisations which are subject to separate negotiations
- Commercial activities - where fees and charges need to respond to market conditions or their ability to compete effectively for tenders. These will be discussed with the relevant portfolio holder at the appropriate time but will be on the basis of covering all costs at a minimum.
- Statutory charges - over which the council has no control and will be introduced as per the respective guidance and will not be subject to this policy

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT
	S	Standard Rated 20%
	E	Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
CORPORATE SERVICES						
General sale of documents / photocopying						
Photocopying	per A4 sheet (black & white)	S	0.12	0.15	0.12	0.14
Photocopying	per A4 sheet (colour)	S	0.16	0.20	0.16	0.19
Photocopying	per A3 sheet (black & white)	S	0.28	0.35	0.29	0.36
Photocopying	per A3 sheet (colour)	S	0.32	0.40	0.33	0.41
Photocopying	per A1 sheet (black & white)	S	3.00	3.60	3.08	3.69
Photocopying	per A1 sheet (colour)	S	3.50	4.00	3.59	4.10
Photocopying	per A2 sheet (black & white)	S	3.00	3.60	3.08	3.69
Photocopying	per A2 sheet (colour)	S	3.50	4.00	3.59	4.10
Providing electronic copies (PDF or equivalent)	per sheet	S	0.83	1.00	0.85	1.03
Court Costs						
Summons & Liability Order - council tax		E	100.00	100.00	100.00	100.00
Summons & Liability Order - business rates		E	174.00	174.00	174.00	174.00
Failure to submit Completion of Means Enquiry Form		E	70.00	70.00	70.00	70.00
GOVERNANCE & LAW						
Freedom of Information Act 2000						
FOI requests exceeding 18 hours of Officer work		OS	450.00	450.00	450.00	450.00
Continued work on FOI requests after 18 hours of Officer work exceeded (per hour)		OS	25.00	25.00	25.00	25.00
FOI requests deemed to be vexatious (per hour)		OS	n/a	n/a	n/a	n/a
Environmental Information Regulations						
EIR requests deemed to be manifestly unreasonable (per hour)		OS	25.00	25.00	25.00	25.00
(disbursements eg. photocopying and postage will be charged separately)						
Data Protection Act 2018						
Requests deemed to be manifestly unfounded or excessive (per hour)		OS	25.00	25.00	25.00	25.00
Requests for further copies of previously disclosed information (per hour)		OS	25.00	25.00	25.00	25.00
Legal Fees						
Development/planning agreements	First 10 hours	OS	720 to 4,110	720 to 4,110	720 to 4,110	720 to 4,110
Hourly rate thereafter		OS	111.00	111.00	111.00	111.00
Commercial property / lease	Hourly rate if applicable	OS	464 to 877	464 to 877	475 to 900	475 to 900
Transfer of miscellaneous land		OS	564 to 771	564 to 771	579 to 800	579 to 800
Lease renewals		OS	257 to 514	257 to 514	300 to 550	300 to 550
License to assign		OS	413 to 877	413 to 877	450 to 900	450 to 900
Licences for alterations		OS	413 to 877	413 to 877	450 to 900	450 to 900
Licenses for land		OS	257 to 877	257 to 877	300 to 900	300 to 900
Easements		OS	363 to 827	363 to 827	372 to 850	372 to 850
Land enquiries - abortive transaction fee		OS	156.00	156.00		
Deed of surrender		OS	413 to 877	413 to 877	450 to 900	450 to 900
Deed of novation		OS	413 to 877	413 to 877	450 to 900	450 to 900
Leaseholder matters/post RTB Matter		OS	see below (separate charging section)			
Discharge of mortgages		OS	126.00	126.00	129.15	129.15
Rent reviews		OS	156.00	156.00	159.90	159.90
Supplying copies of deed/misc land documents per A4 photocopying charge		OS	0.10	0.10	0.10	0.10
Hourly rate for providing services to external organisations or hourly rate to be applied in complex property/development transactions		S	111.00	133.20	113.78	136.53
Leasehold administration fees (post Right To Buy matters)						
Standard management information for pre-assignments		OS	200.00	200.00	205.00	205.00
Additional pre-assignment enquiries (questions outside of the standard pack)		OS	50.00	50.00	51.25	51.25
Notice of transfer / charge		OS	150.00	150.00	153.75	153.75
Notice of re-mortgage		OS	60.00	60.00	61.50	61.50
Deed of covenant		OS	100.00	100.00	102.50	102.50
Alteration/ improvements request		OS	150.00	150.00	153.75	153.75
Retrospective alteration/improvement consent		OS	250.00	250.00	256.25	256.25
Deed of Variation or Rectification		OS	150.00	150.00	153.75	153.75
Notice of Subletting					50.00	50.00

Discretionary Fees and Charges 2022/23

VAT KEY OS Outside the scope of VAT
S Standard Rated 20%
E Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
COMMUNICATIONS						
<i>Below are the advertised rates, but discretionary discounts could be considered.</i>						
Advertising space in Your District Today	1/4 Page	S	297.00	356.40	304.50	365.40
Advertising space in Your District Today	1/2 Page	S	500.00	600.00	512.50	615.00
Advertising space in Your District Today	Full Page	S	857.00	1,028.40	878.40	1,054.00
Advertising space in Your District Today	Back Page	S	1,003.00	1,203.60	1,028.00	1,234.00
Advertising space in Your District Today	Inside Front/Back cover	S	907.00	1,088.40	930.00	1,116.00
Street Naming and Numbering						
Changing a property address		OS	80.00	80.00	82.00	82.00
Registering a new property		OS	136.00	136.00	139.40	139.40
New Street/Building (2-10 units)		OS	282.00	282.00	289.00	289.00
New Street/Building (11-19 units)		OS	390.00	390.00	399.75	399.75
New Street/Building (>20 units)		OS	393.00	393.00	402.80	402.80
Additional unit		OS	30.00	30.00	30.75	30.75
Changing a street name		OS	735.00	735.00	753.40	753.40
Provision of historical information		OS	247.00	247.00	253.20	253.20
HOUSING & OPERATIONS						
HOUSING						
Housing Revenue Account						
Garage rental deposit	On commencement of agreement	OS			100	100
Garages let to SDC tenants	Per week	OS	12.00	12.00	12.30	12.30
Garages let privately	Per week	S	12.00	14.40	12.30	14.75
Parking spaces let to SDC tenants	Per week	E	3.50	3.50	3.60	3.60
Parking spaces let privately	Per week	S	3.50	4.20	3.60	4.30
Stores	Per week	E	18.00	18.00	18.45	18.45
Hire of scooter store	Per week	E	2.45	2.45	2.65	2.65
Lounge hire - sheltered accommodation	Per hour	E	15.00	15.00	15.00	15.00
Guest rooms - sheltered accommodation	Per night	E	18.00	18.00	20.00	20.00
Lifeline for Council tenants (VAT is zero rated for clients with disabilities)	Per week	S	1.00	1.20	1.00	1.20
Item collection fee	Per instance				75.00	75.00
Long lease renewals						
Administrative fee		E	216.00	259.20	225.00	225.00
Valuation fee		S	388.00	465.60	450.00	540.00
Plan fee		S	103.00	123.60	150.00	180.00
Supporting People						
- Full Sheltered	Per week	E	11.50	11.50	11.50	11.50
- Semi Sheltered	Per week	E	0.80	0.80	0.80	0.80
Shed	Per week	E	4.01	4.01	4.01	4.01
RTB - management fee	Annual	E	221.80	221.80	221.80	221.80
RTB - reference for purchase		E	46.30	46.30	46.30	46.30
RTB - service charges enquiry		E	81.20	81.20	81.20	81.20
Sale of land, including ah hoc land disposals - administration fee		S	272.42	326.90	279.20	335.00
Housing						
Non-Statutory Inspection fee	Per inspection	S	120.81	145.00	127.50	153.00
Leasehold services						
Arrears administration fee	Stage 3 arrears cases	E	75.00	75.00	75.00	75.00
Major works service charge management fee	Per major works	E	10%	10%	10%	10%
Lease enfranchisement	Per case	E			225.00	225.00
Sewage/pump station management fee	per property	E			110.00	110.00
Leasehold management fee (leasehold/shared ownership/HRA commercial)	per property	E			220.00	220.00

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT
	S	Standard Rated 20%
	E	Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
OPERATIONS						
Parking Services						
Provision of white 'access' road markings (outside premises or private drive):						
Analysis and survey work	per application	E	122.00	122.00	122.00	122.00
Installation and maintenance (10 years)	per application	E	159.00	159.00	159.00	159.00
Hire of Land						
Refundable deposit - non-commercial events(minimum of £100) - sliding scale		OS	up to £500.00	up to £500.00	up to £500.00	up to £500.00
Small non-commercial events (excluding Boot Fairs) - hire charge		OS	143.00	143.00	147.00	147.00
Charitable/Community events - hire charge		OS	41.00	41.00	42.00	42.00
Boot Fairs		OS	280.00	280.00	287.00	287.00
Commercial events hire charge (per day)		OS	1,210.00	1,210.00	1,241.00	1,241.00
Refundable deposit - commercial events (minimum of £500) - sliding scale		OS	up to £1,000.00	up to £1,000.00	up to £1,000.00	up to £1,000.00
Arranging TPC road closure (admin fee)		OS	30.00	30.00	31.00	31.00
Cleaning & restocking charge for use of WCs used by event organiser (some exemptions available on request)		S	115.00	138.00	118.00	141.60
Public Toilets						
Dymchurch Sea Wall toilets		OS	0.20	0.20	n/a	n/a
Radar keys		S	2.25	2.70	2.25	2.70
Outdoor Sports and Recreation						
These activities are subjected to standard VAT unless there is a block booking of 10 or more sessions by schools, clubs or associations, then it is treated as an exempt activity.						
Cricket – Shorncliffe		S	63.17	75.80	n/a	n/a
Cricket – Shorncliffe (Concession)		S	26.33	31.60	n/a	n/a
Football – Sports Ground (Cheriton)		S	68.33	82.00	n/a	n/a
Football – Sports Ground (Cheriton) (concession)		S	47.33	56.80	n/a	n/a
Mini Soccer - Sports Ground (Cheriton)		S	15.25	18.30	n/a	n/a
Football - 9v9 Sports Ground (Cheriton Rd and North Rd)		S	30.58	36.70	n/a	n/a
Football – Stadium (Cheriton)		S	57.92	69.50	n/a	n/a
Football – Stadium (Cheriton) (concession)		S	36.83	44.20	n/a	n/a
Football with Changing Facilities (11vs11)		S	n/a	n/a	71.00	85.00
Football with Changing Facilities (11vs11) Concession		S	n/a	n/a	53.00	64.00
Football with Changing Facilities (9vs9)		S	n/a	n/a	53.00	64.00
Football with Changing Facilities (9vs9) Concession		S	n/a	n/a	40.00	48.00
Football with Toilet Facilities Only (11vs11)		S	n/a	n/a	60.00	72.00
Football with Toilet Facilities Only (11vs11) Concession		S	n/a	n/a	45.00	54.00
Football with Toilet Facilities Only (9vs9)		S	n/a	n/a	45.00	54.00
Football with Toilet Facilities Only (9vs9) Concession		S	n/a	n/a	34.00	40.00
Royal Military Canal:						
Allotments (Green Lane) Full Plot		OS	43.00	43.00	44.00	44.00
Allotments (Green Lane) Half Plot		OS	22.00	22.00	22.50	22.50
Shingle Extraction						
Annual Fee up to 120,000 cubic metres		OS	n/a	n/a	n/a	n/a
Fee per cubic metre over 120,000 cubic metres		OS	1.06	1.06	1.06	1.06
Beach Huts						
Hythe	per annum	S	800.00	800.00	875.00	1,050.00
Folkestone - mid term new tenancy large chalet	per annum	S			1,030.00	1,236.00
Folkestone - mid term new tenancy small chalet	per annum	S			815.42	978.50
Littlestone - beach development	per annum	S			1,000.00	1,200.00
Corporate Transactions						
Sale of land and property - administration fee		S	n/a	n/a	279.20	335.00
Memorial benches & trees						
Standard cost of a donated memorial bench, new plaque and 10 years mtce		OS	1,604.00	1,604.00	1,724.00	1,724.00
Standard cost of a refurbished donated memorial bench, new plaque and 10 years mtce		OS	943.00	943.00	1,013.00	1,013.00
Standard cost of a refurbished donated memorial bench, existing plaque and 10 years mtce		OS	829.00	829.00	891.00	891.00
Cost of planted Memorial Tree		OS	n/a	n/a	755.00	755.00

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT	
	S	Standard Rated	20%
	E	Exempt	

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
Private Lifeline Charges						
<i>Equipment subject to VAT but client has option to complete VAT exemption form.</i>						
Smart Hub (lifeline unit with GSM)	per week	S	n/a	n/a	4.50	5.40
Lifeline unit (per week)	per week	S	3.58	4.30	3.58	4.30
Bogus caller alarm		S	n/a	n/a	n/a	n/a
CO2 fall & flood detector	Quarterly charge	S	34.83	41.80	34.83	41.80
GPS Footprint	per week	S	5.33	6.40	5.33	6.40
Universal sensor	Quarterly charge	S	17.33	20.80	17.75	21.30
Epilepsy sensor	per week	S	6.75	8.10	6.75	8.10
Pull cord		S	n/a	n/a	n/a	n/a
Property exit sensor		S	2.20	2.60	2.20	2.60
Bed occupancy sensor	Quarterly	S	81.25	97.50	83.25	99.90
Bed sensory pad	per week	S	1.50	1.80	1.50	1.80
PR / fault visits		S	40.00	48.00	40.00	48.00
Safe socket		S	31.00	37.20	31.00	37.20
Smoke detectors	per week	S	2.33	2.80	2.33	2.80
Telephone extension lead		S	6.00	7.20	6.17	7.40
Electrical extension lead		S	9.00	10.80	9.25	11.10
Pendant		S	72.50	87.00	72.50	87.00
Pendant rental	per week	S	n/a	n/a	n/a	n/a
Replacement pendant (used)		S	40.00	48.00	40.00	48.00
Lost units (replacements)		S	139.00	166.80	139.00	166.80
GSM (mobile phone lifeline)	per week	S	n/a	n/a	n/a	n/a
Care assist	per week	S	3.33	4.00	3.33	4.00
Care assist for existing clients with faulty line		S	44.42	53.30	44.42	53.30
Replacement power supply	per unit	S	n/a	n/a	n/a	n/a
Big button phone	per unit	S	17.50	21.00	20.00	24.00
Minuet pendants	per unit	S	85.00	102.00	85.00	102.00
ADSL filters	Unit price +10%	S	5.00	6.00	5.17	6.20
Installation charge		S	40.00	48.00	40.00	48.00
Out of area installation charge		S	69.50	83.40	69.50	83.40
RSL monitoring income shown as an hourly rate		S	0.11	0.13	n/a	n/a
Wristband set up charge		S	35.00	42.00	35.00	42.00
Wristbands (per annum)		S	20.00	24.00	20.00	24.00
Telehealth monitoring		S	n/a	n/a	n/a	n/a
Warm Homes		S	2.00	2.00	n/a	n/a
Lone Worker scheme set-up	per person	S	5.50	6.60	5.50	6.60
Lone Worker scheme part-time	per week	S	0.92	1.10	0.92	1.10
Lone Worker scheme full-time	per week	S	1.17	1.40	1.17	1.40
Data holding and contract holding	per week	S	n/a	n/a	n/a	n/a
Donated Units (per week)	As per supporting people grant	S	2.17	2.60	2.25	2.70
Daily Check Calls	per quarter	S	14.72	17.70	14.72	17.70
Daily Check Calls	per annum	S	58.92	70.70	58.92	70.70

Discretionary Fees and Charges 2022/23

VAT KEY OS Outside the scope of VAT
S Standard Rated 20%
E Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
PLACE						
PLANNING						
Planning Pre-Application Charging Schedule						
Householder application - written advice only		S	45.00	54.00	47.00	56.00
Householder application - up to 1 hour meeting with written advice		S	135.00	162.00	140.00	168.00
Equestrian development (domestic) - written advice only		S	45.00	54.00	47.00	56.00
Equestrian development (domestic) - up to 1 hour meeting with written advice		S	135.00	162.00	140.00	168.00
Replacement dwellings						
Single dwelling/flat/holiday let/self contained annexe, incl change of use - written		S	135.00	162.00	140.00	168.00
Single dwelling/flat/holiday let/self contained annexe, incl change of use - up to 1 hour meeting with written advice		S	224.91	269.90	232.00	279.00
2 - 9 dwellings/flats/holiday lets incl HMOs, self contained units with care - written advice only		S	222.83	267.40	230.00	276.00
2 - 9 dwellings/flats/holiday lets incl HMOs, self contained units with care - up to 1 hour meeting with written advice		S	377.83	453.40	390.00	468.00
10 - 20 dwellings/flats/holiday lets incl HMOs, self contained units with care - up to 2 hour meeting with written advice		S	584.75	701.70	604.00	725.00
21 - 49 dwellings/flats/holiday lets incl HMOs, self contained units with care - up to 2 hour meeting with written advice		S	764.67	917.60	790.00	947.00
50 - 199 dwellings/flats/holiday lets incl HMOs, self contained units with care - up to 2 hour meeting with written advice. (Planning Performance Agreement if appropriate for cost recovery of officer time and consultant costs)		S	899.67	1,079.60	929.00	1,115.00
Strategic development 200 units and over - Planning Performance Agreement for cost recovery of officer time and consultant costs		S	Variable	Variable		
External alterations requiring planning permission - all uses		S	45.00	54.00	47.00	56.00
Listed Buildings where no associated planning permission required - written advice only		S	67.42	80.90	70.00	84.00
Listed Buildings where no associated planning permission required - 30 minute meeting with written advice		S	135.00	162.00	140.00	168.00
Listed building work also requiring planning permission - relevant pre application planning fee.		S	Variable	Variable	Variable	Variable
Advertisements (initial one hour advice meeting and letter)		S	45.00	54.00	47.00	56.00
Businesses - further work following initial advice and all other business/commercial with a floor space 500m ² and below		S	449.83	539.80	465.00	557.00
Businesses - further work following initial advice and all other business/commercial with a floor space above 500m ² - £525 plus £1,000 per 500m ² thereafter		S	Variable	Variable	Variable	Variable
All Other operations and developments including changes of use		S	449.83	539.80	465.00	557.00
Sale of Documents						
Sale of miscellaneous documents - Planning Policy		S	Variable	Variable		
Sale of miscellaneous documents - Development Management		S	Variable	Variable		
Charging for monitoring legal agreements		S	Variable	Variable		
Shepway Core Strategy Local Plan	Hard Copy	S	76.50	91.80	79.00	95.00
Shepway Core Strategy Local Plan	Saved Policies	S	98.25	117.90	102.00	122.00
Shepway Core Strategy Local Plan - concessionary rate for local residents, Town and Parish Councils	Hard Copy	S	54.58	65.50	57.00	68.00
	with Saved Policies	S	76.50	91.80	79.00	95.00
Self-Build and Custom Build Housing Projects Register						
First time applicants		S	26.00	31.20	27.00	32.00
Annual renewal		S	13.00	15.60	14.00	16.00
Sale of Documents						
Sale of miscellaneous documents - Building Control. Actual charge based on staff time		S	Variable	Variable	Variable	Variable

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT	
	S	Standard Rated	20%
	E	Exempt	

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22	Charges for 2021/22	Proposed charges for	Proposed charges for
			Net of VAT if applicable £	with VAT if applicable £	2022/23 Net of VAT if applicable £	2022/23 with VAT if applicable £
Waste & Recycling						
Bulky household collection (1 item)		OS	30.00	30.00	30.00	30.00
Bulky waste additional items (collected on the same visit)		OS	8.00	8.00	8.00	8.00
Abortive visits (including scheduled collections not cancelled 1 working day in advance)		OS	25.20	25.20	25.20	25.20
Cancelled visits - (including scheduled collections not cancelled 1 working day in advance)		OS	5.00	5.00	5.00	5.00
Garden waste sacks individual		OS	n/a	n/a		
Garden waste sacks (roll of 10 sacks)		OS	n/a	n/a		
Purple sacks (restrictions apply) - individual		OS	2.50	2.50	2.60	2.60
Purple sacks (restrictions apply) - roll of 13 sacks		OS	30.75	30.75	31.50	31.50
Supply & delivery of 140 litre wheeled bin		OS	36.70	36.70	37.60	37.60
Supply & delivery of 180 litre wheeled bin		OS	51.40	51.40	52.70	52.70
Supply & delivery of 240 litre wheeled bin		OS	49.30	49.30	50.50	50.50
Supply & delivery of 360 litre wheeled bin		OS	78.10	78.10	80.00	80.00
Supply & delivery of 660 litre wheeled bin		OS	252.00	252.00	258.30	258.30
Supply & delivery of 660 litre wheeled bin (recyclables)		OS	See above	See above		
Supply & delivery of 1100 litre wheeled bin		OS	259.00	259.00	265.50	265.50
Supply & delivery of 1100 litre wheeled bin (recyclables)		OS	See above	See above		
Bin authorisation fee (2 wheeled bin)		OS	6.00	6.00	6.15	6.15
Bin authorisation fee (4wheeled bin)		OS	12.00	12.00	12.30	12.30
Food waste collections, kerbside container		OS	15.00	15.00	15.40	15.40
Food waste collections, kitchen caddy		OS	10.00	10.00	10.25	10.25
New property container offer (Up to 2WB, 2 Food + Box) Price capped at		OS	100.00	100.00	102.50	102.50
Black box recycling container		OS	15.00	15.00	15.40	15.40
Purple box recycling container		OS	15.00	15.00	15.40	15.40
Green waste collection - contribute towards purchase		OS	30.70	30.70	31.50	31.50
Green waste collection - annual charge for new subscription		OS	48.40	48.40	48.40	48.40
Green waste collection - direct debit charge for new subscription		OS	48.40	48.40	48.40	48.40
Green waste collection - renewal (all payment types) for existing subscriptions			N/A	N/A	38.70	38.70

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT	
	S	Standard Rated	20%
	E	Exempt	

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
Hythe Swimming Pool						
<i>These activities are subjected to standard VAT unless there is a block booking of 10 or more sessions by schools, clubs or associations.</i>						
Swimming – Adult		S	3.70	4.40	3.75	4.50
Swimming – Junior		S	2.30	2.80	2.40	2.90
Swimming – Senior		S	2.30	2.80	2.40	2.90
Swimming – Off Peak		S	2.75	3.30	n/a	n/a
Swimming – Disabled		S	1.80	2.20	1.92	2.30
Swimming – Carer		S	1.80	2.20	1.92	2.30
Organised Groups – Adults		S	3.00	3.60	3.10	3.70
Organised Groups – Junior		S	1.95	2.30	2.00	2.40
Family ticket (2 adults & 2 juniors or 1 adult & 3 juniors)		S	9.50	11.40	9.85	11.80
Aqua Aerobics/Fit		S	4.60	5.50	4.67	5.60
Aqua Zumba		S	4.50	5.40	4.67	5.60
Spectator Admission		S	0.80	1.00	0.80	1.00
Gym		S	4.70	5.60	4.75	5.70
Adult lessons – course of 10 (45 minute lessons)		E	81.50	81.50	83.50	83.50
Adult (front crawl) training - per session		E	5.40	5.40	4.67	5.60
Junior lessons – course of 10 (30 minute lessons)		E	56.00	56.00	57.40	57.40
Pool hire per hour (includes 1 lifeguard and upto 30 people)		S	95.80	115.00	98.40	118.00
Teaching Pool hire per hour		S	34.75	41.70	35.84	43.00
Club hire (Monday-Saturday)		E	70.00	70.00	71.75	71.75
Club hire (Sunday)		E	63.80	63.80	65.40	65.40
Lifeguard for clubs		E	12.10	12.10	12.40	12.40
Adult blue voucher book (12 tickets)		S	36.70	44.00	37.50	45.00
Senior voucher book (12 tickets)		S	23.30	28.00	24.20	29.00
Junior voucher book (12 tickets)		S	23.30	28.00	24.20	29.00
Disabled Voucher book (12 tickets)		S	18.30	22.00	19.20	23.00
Aqua Aerobics yellow voucher books (12 tickets)		S	45.80	55.00	46.70	56.00
School swimming teacher - per half hour		S	7.35	8.80	7.79	9.10
Schools non exclusive – per child per half hour		S	1.90	2.30	2.00	2.40
School exclusive pool hire – per half hour (maximum 20 children)		S	30.00	36.00	30.90	37.00
School exclusive pool hire – additional children		S	1.35	1.60	1.42	1.70
Private lessons per half hour – 1 child		E	13.70	13.70	14.00	14.00
Direct debit - annual advance payment		S	175.00	210.00	175.00	210.00
Direct debit - monthly payment on a minimum 12 month contract		S	15.30	18.40	15.30	18.40
Direct debit monthly payment - open contract (no minimum term can be cancelled at any time) subject to a joining fee see next line		S	19.70	23.60	19.70	23.60
Joining fee for open contract direct debit		S	13.70	16.40	13.70	16.40

Discretionary Fees and Charges 2022/23

VAT KEY	OS	Outside the scope of VAT
	S	Standard Rated 20%
	E	Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
Taxi Licensing						
Private Hire Driver		OS	312.00	312.00	320.00	320.00
Dual Driver		OS	312.00	312.00	320.00	320.00
Knowledge Test		OS	62.50	62.50	64.00	64.00
Vehicle Licence – Annual		OS	275.00	275.00	275.00	275.00
Vehicle Licence – Transfer		OS	97.00	97.00	99.00	99.00
Vehicle Licence - Change of Ownership (no plates)		OS	45.40	45.40	46.00	46.00
Vehicle Plate replacement		OS	21.20	21.20	22.00	22.00
Driver Badge replacement		OS	21.20	21.20	22.00	22.00
Single Vehicle Operator	5 years renewal	OS	120.00	120.00	123.00	123.00
Multiple Vehicle Operator	5 years renewal	OS	943.00	943.00	966.00	966.00
Refund Processing Fee (surrendered Licence)			25.00	25.00	25.00	25.00
Copy of Paper Licence			10.50	10.50	10.50	10.50
Amend Paper Licence (change of address details)			10.50	10.50	10.50	10.50
Miscellaneous Licensing						
Dangerous Wild Animals Act 1964 & 1970	Every Two years	OS	428.50	428.50	439.00	430.00
Boarding in Kennels for Dogs Boarding For Cats (Part A)		OS	184.50	184.50	189.00	189.00
Selling Animals As Pets (Part A)		OS	184.50	184.50	189.00	189.00
Homeboarding for Dogs (6 or more animals), Dog Day Care, Homeboarding Agent (Part A)		OS	166.50	166.50	171.00	171.00
Homeboarding for Dogs (5 or less animals) (Part A)		OS	148.50	148.50	152.00	152.00
Breeding of Dogs (Part A)		OS	166.50	166.50	171.00	171.00
Keeping/Training Animals for Exhibition (5 or less animals) (Part A)		OS	148.50	148.50	152.00	152.00
Keeping/Training Animals for Exhibition (6 or more animals) (Part A)		OS	184.50	184.50	189.00	189.00
1 year Licence (Part B)		OS	113.00	113.00	116.00	116.00
2 year Licence (Part B)		OS	176.00	176.00	181.00	181.00
3 year Licence (Part B)		OS	229.00	229.00	235.00	235.00
Hiring of Horses (Part A)		OS	166.50	166.50	171.00	171.00
Other Charges:						
Request for Variations		OS				
- administrative amendment only		OS	20.00	20.00	21.00	21.00
- inspector visit (if required)		OS	80.00	80.00	82.00	82.00
Request for re-inspection (for all licences) plus vet fees if applicable		OS	80.00	80.00	82.00	82.00
Zoo Licence Act 1982						
Application Fee			604.20	604.20	604.20	604.20
LA Inspector per hour			26.30	26.30	26.30	26.30
Veterinary fees (all animal licences) - recharged at cost.			0.00	N/A	N/A	N/A
Street Trading Consent/Licence (Annual)		OS	297.00	297.00	304.00	304.00
Street Trading Consent (3 month)		OS	121.00	121.00	124.00	124.00
Non mobiles > 25 feet in length		OS	809.00	809.00	829.00	829.00
Stall per foot- Sandgate Road	March to December	OS	1.00	1.00	n/a	n/a
Stall per foot- Sandgate Road	January and February	OS	1.00	1.00	n/a	n/a
Stall per foot- Guildhall Street	March to December	OS	1.00	1.00	n/a	n/a
Stall per foot- Guildhall Street	January and February	OS	1.00	1.00	n/a	n/a
Stall per foot per day - Sandgate Road and Guildhall Street - regular stall holders		OS	1.00	1.00	1.00	1.00
Stall per foot per day - Sandgate Road and Guildhall Street - casual stall holders		OS	2.00	2.00	2.00	2.00
Street Trading Licence (Lanterns) - per stall per day	per foot	OS	5.00	5.00	5.00	5.00
New Markets:						
Number of stalls 5 -20	Max of 14 days	OS	140.00	140.00	144.00	144.00
	15 - 52 days	OS	520.00	520.00	533.00	533.00
	53 + days	OS	1,040.00	1,040.00	1,066.00	1,066.00
Number of stalls 21 +	Max of 14 days	OS	210.00	210.00	215.00	215.00
	15 - 52 days	OS	780.00	780.00	800.00	800.00
	53 + days	OS	1,560.00	1,560.00	1,599.00	1,599.00
Town Centre Commercial Bookings Thurs-Sat Only (No bookings Sun-Wed)	Per day	OS	n/a	n/a	180.00	180.00
Pavement Licenses	Licences issued up to Sept 2022		n/a	n/a	100.00	100.00
Canoe and paddle boards - annual						
Canoe and paddle boards - annual		OS	29.50	29.50	30.00	30.00
Canoe and paddle boards - seasonal		OS	19.50	19.50	20.00	20.00
Boat - annual		OS	48.00	48.00	49.00	49.00
Boat - seasonal		OS	30.00	30.00	31.00	31.00
Scrap Metal Licensing						
Grant of site licence		OS	517.00	517.00	530.00	530.00
Renewal of site licence		OS	485.00	485.00	497.00	497.00
Collectors licence		OS	302.00	302.00	310.00	310.00
Variation of licence		OS	66.30	66.30	68.00	68.00
Change of details		OS	55.00	55.00	56.00	56.00

Discretionary Fees and Charges 2022/23

VAT KEY OS Outside the scope of VAT
S Standard Rated 20%
E Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
Personal & Premises Licences						
Personal - Acupuncture, ear piercing, electrolysis & semi-permanent ink		OS	193.00	193.00	198.00	198.00
Personal - Tattooing Registration		OS	308.00	308.00	316.00	316.00
Personal - Sex Shop Consent		OS	2,067.00	2,067.00	2,119.00	2,119.00
Personal - Change to Registration		OS	107.00	107.00	110.00	110.00
Personal - change of detail to licence that does not require an officer visit		OS	10.50	10.50	10.50	10.50
Premise Licence Pre-Application Schedule						
Written advice (basic) following letter/submission received		S	21.00	25.20	22.00	26.40
Premises Licence Pre-application Advice Meeting 90 mins		S	79.50	95.40	82.00	98.40
Dog Control						
Kennelling per night		OS	20.00	20.00	21.00	21.00
Out of hours dog collection		OS	52.60	52.60	54.00	54.00
Veterinary fees at cost		OS	Variable	Variable	Variable	Variable
Microchip fee		OS	5.00	5.00	5.00	5.00
Flea treatment (dependant on size of the dog)		OS	8.00 to 12.00	8.00 to 12.00	8.00 to 12.00	8.00 to 12.00
Worming (dependant on size of the dog)		OS	8.00 to 13.00	8.00 to 13.00	8.00 to 12.00	8.00 to 12.00
Vaccination charge		OS	25.20	25.20	26.00	26.00
Pollution Environmental Health						
Contaminated land search fee		OS	154.00	154.00	157.90	157.90
Hourly fee for works in default (returning seized goods and removal of fly posting)		OS	15.40	15.40	15.80	15.80
Food and Safety						
Certificate for voluntary surrender of unfit food (Including 1 hour officer time)		OS	94.00	94.00	96.50	96.50
Plus officer time per additional hour		OS	43.00	43.00	44.00	44.00
Food export certificate		OS	45.00	45.00	46.00	46.00
Plus additional charge per consignment where inspection is required		OS	90.00	90.00	92.00	92.00
Food Hygiene course - fee per person		E	60.00	60.00	61.50	61.50
Food Hygiene Scheme - re-rating	per application	E	130.00	130.00	133.00	133.00
Private Water Supply Sampling						
Risk assessments (If carried out by contractor)	per hour	OS	52.90	52.90	55.20	55.20
Risk assessments (If carried out by SDC staff)	per hour	OS	26.50	26.50	27.20	27.20
Mileage	per mile	OS	0.60	0.60	0.70	0.70
Sampling	per visit	OS	56.80	56.80	58.20	58.20
Analysis and courier (first sample)	first sample	OS	16.40	16.40	16.80	16.80
Additional sample	each	OS	5.50	5.50	5.60	5.60
Caravan Site Licensing						
New application	Band A (single pitch)	E	0.00	0.00	0.00	0.00
New application	Band B (2 - 10 pitches)	E	538.00	538.00	551.00	551.00
New application	Band C (11 - 25 pitches)	E	626.00	626.00	642.00	642.00
New application	Band D (26 - 50 pitches)	E	772.00	772.00	791.00	791.00
New application	Band E (51 - 100 pitches)	E	1,041.00	1,041.00	1,067.00	1,067.00
New application	Band F (101 - 200 pitches)	E	1,596.00	1,596.00	1,636.00	1,636.00
New application	Band G (201 - 400 pitches)	E	2,690.00	2,690.00	2,757.00	2,757.00
New application	Band H (401 - 800 pitches)	E	4,878.00	4,878.00	5,000.00	5,000.00
Annual fee	Band A	E	0.00	0.00	0.00	0.00
Annual fee	Band B	E	319.00	319.00	327.00	327.00
Annual fee	Band C	E	407.00	407.00	417.00	417.00
Annual fee	Band D	E	552.90	552.90	567.00	567.00
Annual fee	Band E	E	823.20	823.20	844.00	844.00
Annual fee	Band F	E	1,377.00	1,377.00	1,411.00	1,411.00
Annual fee	Band G	E	2,471.50	2,471.50	2,533.00	2,533.00
Annual fee	Band H	E	4,660.40	4,660.40	4,777.00	4,777.00
Transfer	Band A	E	0.00	0.00	0.00	0.00
Transfer	Band B to Band H	E	59.00	59.00	60.00	60.00
Amendment	Band A (single pitch)	E	0.00	0.00	0.00	0.00
Amendment	Band B to Band H	E	82.60	82.60	85.00	85.00
Site rules	Band A (single pitch)	E	0.00	0.00	0.00	0.00
Site rules	Band B to Band H	E	39.50	39.50	40.00	40.00
Application for Fit & Proper Person Register - Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020		E	New	New	203.00	203.00
Cemeteries						
Purchase fees						
Children not exceeding 12		OS	249.00	249.00	256.00	256.00
Person over 12 - purchase fee		OS	613.00	613.00	586.00	586.00
Green Burials (Hawkinge Only)		OS	1,010.00	1,010.00	1,035.00	1,035.00
Plot purchase, first interment & right to erect						
Garden of remembrance (Lydd, Double Plot)		OS	610.00	610.00	625.00	625.00
Garden of remembrance (New Romney, Double Plot)		OS	610.00	610.00	625.00	625.00
Garden of remembrance (New Romney, Single Plot)		OS	382.00	382.00	391.00	391.00

Discretionary Fees and Charges 2022/23

VAT KEY OS Outside the scope of VAT
S Standard Rated 20%
E Exempt

APPENDIX 2

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
Digging Fees						
Children stillborn - No charge		E			207.00	207.00
Children -between 5-12						
Person over 12 – single depth digging		OS	589.00	589.00	604.00	604.00
Person over 12 – double depth		OS	874.00	874.00	895.00	895.00
Person over 12 – triple depth		OS	1,170.00	1,170.00	1,199.00	1,199.00
Other Fees						
Exhumation Fee (at cost)		E	Variable	Variable		
Internment of ashes		OS	150.00	150.00	153.00	153.00
Late internment		OS	143.00	143.00	146.00	146.00
Spreading of ashes		OS	55.00	55.00	56.00	56.00
Scattering of ashes under turf		OS	150.00	150.00	153.00	153.00
Re-open fee		OS	90.00	90.00	92.00	92.00
Add. inscription		OS	77.00	77.00	79.00	79.00
Use of chapel		OS	147.00	147.00	151.00	151.00
Memorials – 6 X 3		OS	253.00	253.00	259.00	259.00
Vases		OS	98.00	98.00	100.00	100.00
Kerbs		OS	448.00	448.00	459.00	459.00
Laying down unsafe memorial		OS	127.00	127.00	130.00	130.00
Deed of grant		E	42.00	42.00	43.00	43.00
Transfer of Deed of Grant		E	106.00	106.00	108.00	108.00
Maintenance		E	100.00	100.00	101.00	101.00
Reserved plot surcharge on use		OS	82.00	82.00	84.00	84.00
Reservation fee		OS	82.00	82.00	84.00	84.00
Family History Request - per request up to 3 names		E	32.00	32.00	33.00	33.00
Family History Request - per request more than 3 names		E	64.00	64.00	65.00	65.00
Replacement headstones - administration fee		E	52.00	52.00	53.00	53.00
Burial where ashes are added - administration fee		E	52.00	52.00	53.00	53.00
Mixing of two ashes - administration fee		E	52.00	52.00	53.00	53.00
Public Health Funerals			303.00	303.00	310.00	310.00
Hiring of council meeting rooms for all non Folkestone & Hythe District Council meetings/functions						
<i>KALC (Kent Association of Local Councils) and relevant voluntary/Charity organisations 100% discount</i>						
Council Chamber	Basic Hourly rate	E	36.10	36.10	37.00	37.00
Council Chamber	Hourly rate after 9pm week day evenings & Saturday (including Civic Warden fee)	E	61.10	61.10	63.00	63.00
Council Chamber	Hourly rate for Sundays & Bank Holidays (including Civic Warden fee)	E	68.10	68.10	70.00	70.00
Boulogne and Middleburg Room	Basic Hourly rate	E	26.80	26.80	28.00	28.00
Boulogne and Middleburg Room	Hourly rate after 9pm week day evenings & Saturday (including Civic Warden fee)	E	52.30	52.30	53.61	53.61
Boulogne and Middleburg Room	Hourly rate for Sundays & Bank Holidays (including Civic Warden fee)	E	59.00	59.00	61.00	61.00
Other meeting rooms	Basic Hourly rate	E	15.40	15.40	16.00	16.00
Other meeting rooms	Hourly rate after 9pm week day evenings & Saturday (including Civic Warden fee)	E	40.90	40.90	42.00	42.00
Other meeting rooms	Hourly rate for Sundays & Bank Holidays (including Civic Warden fee)	E	47.60	47.60	49.00	49.00
Use of drinks machine for non Folkestone & Hythe District Council meetings/functions						
Per drink - Up to 30 persons		S	0.97	1.20	1.00	1.20
30 Persons or more		S	29.00	34.80	30.00	36.00
Lost/Unreturned ID cards						
Charge to staff		E	7.50	7.50	8.00	8.00
Charge to contractors		E	7.50	7.50	8.00	8.00

Car Parking Fees and Charges 2022/23

VAT KEY OS Outside the scope of VAT
 S Standard Rated 20%
 E Exempt

Appendix 3

Service	Further Information	VAT Category	Charges for 2021/22 Net of VAT if applicable £	Charges for 2021/22 with VAT if applicable £	Proposed charges for 2022/23 Net of VAT if applicable £	Proposed charges for 2022/23 with VAT if applicable £
<i>Charges apply 8am - 6pm unless otherwise indicated</i>						
FOLKESTONE						
SHORT STAY Upper Payers Park, Shellons St., Foresters Way, Playdell Gardens						
Hourly charge with linear per minute charging.	30 mins	S	0.50	0.60	0.60	0.70
Minimum stay 30mins and maximum stay 3 hours	1 hour	S	1.00	1.20	1.20	1.40
	3 hour	S	3.00	3.60	3.50	4.20
LONG STAY Tram Road and Harbourside						
Hourly charge with linear per minute charging	1 hour	S	1.00	1.20	1.20	1.40
	All day	S	6.67	8.00	7.00	8.40
LONG STAY Sandgate Road Car Park (formerly Leas Cliff Hall)						
	Up to 2 hours	S	1.25	1.50	1.70	2.00
	Up to 4 hours	S	2.08	2.50	2.50	3.00
	Up to 5 hours	S	2.92	3.50	3.30	4.00
	All day	S	3.75	4.50	4.20	5.00
OTHER FOLKESTONE & HYTHE AREAS						
SHORT TERM						
Hythe:						
Mount Street:	Up to 30 mins	S	0.00	0.00		
Hourly charge with linear per minute charging	Up to 1 hour	S	1.00	1.20	1.20	1.40
Minimum stay 1 hour and maximum stay 3 hours	Up to 2 hours	S	Linear per minute charging	Linear per minute charging	Linear per minute charging	Linear per minute charging
	Up to 3 hours	S	3.00	3.60	3.50	4.20
New Romney:						
Church Road:	Up to 1 hour	S	0.83	1.00	0.80	1.00
Hourly charge with linear per minute charging.						
Minimum stay 1 hour and maximum stay 3 hours	Up to 2 hours	S	Linear per minute charging		Linear per minute charging	
	Up to 3 hours	S	2.50	3.00	2.50	3.00
LONG TERM						
Sandgate: Lower Sandgate Road West (Seasonal - 1st April-30th September) 8am-8pm						
	Up to 1 hour	S	2.50	3.00	2.50	3.00
	Up to 4 hours	S	10.00	12.00	10.00	12.00
	Up to 12 hours	S	16.70	20.00	16.70	20.00
Sandgate: Lower Sandgate Road West (Seasonal - 1st October-31st March) 8am-6pm						
	Up to 1 hour*	S	1.00	1.20	1.20	1.40
Hythe: Military Road, The Paddocks	Up to 2 hours **	S	Linear per minute charging		Linear per minute charging	
Dymchurch: Martello, High Knocke, Central	Up to 3 hours	S				
Greatstone: Jolly Fisherman	Up to 4 hours	S				
Littlestone: Coast Drive	Up to 5 hours	S				
New Romney: West Street * £1 for first hr; ** 2hrs £2.40	Up to 6 hours	S				
	Up to 12 hours	S	6.67	8.00	7.00	8.40
Hythe: Battery Point, Twiss Fort, Seapoint						
	Up to 1 hour	S	0.83	1.00	1.20	1.40
		S	Linear per minute charging		Linear per minute charging	
	All day	S	5.00	6.00	7.00	8.40

Sandgate , Castle Road; Wilberforce Road	Up to 2 hours	S	0.83	1.00	1.30	1.50
	Up to 4 hours	S	2.50	3.00	2.90	3.50
	Up to 5 hours	S	n/a	n/a	n/a	n/a
	All day	S	4.15	5.00	4.60	5.50
Cheriton : Broomfield Road; Elham : Pound Lane; Lyminge : Station Road	ALL DAY - Free	S	0.00	0.00	0.00	0.00
Hythe : West Hythe	Up to 1 hour	S			1.20	1.40
		S			Linear per minute charging	
	All day	S			7.00	8.40
Folkestone : East Cliff Pavilion; The Coastal Park	1 hour	S	1.00	1.20	1.20	1.40
			Linear per minute charging		Linear per minute charging	
	All day		6.67	8.00	7.00	8.40
Folkestone : Golden Valley; Sports Grounds,	ALL DAY - Free		0.00	0.00	0.00	0.00
Lydd :The Lade, Coast Drive (east of), Lydd on Sea	Per hour	S	1.00	1.20	1.20	1.40
	All day (6hrs+)		6.67	8.00	7.00	8.40
Sandgate : Gough Road	ALL DAY - Free	S	0.00	0.00	0.00	0.00

COACH PARKING

Littlestone : Coast Drive	Up to 5 hours	S	6.33	7.60	6.33	7.60
	Up to 10 hours	S	11.67	14.00	11.67	14.00
Dymchurch : Central	ALL DAY - Free		0.00	0.00	0.00	0.00

CAR PARK SEASON TICKETS**All Long Stay Car Parks**

Valid 7 days per week	Annual	S	547.50	657.00	547.50	657.00
	6 month	S	274.17	329.00	274.17	329.00
	3 months	S	137.50	165.00	137.50	165.00
Valid 6 days per week	Annual	S	466.67	560.00	466.67	560.00
	6 month	S	233.33	280.00	233.33	280.00
	3 months	S	116.67	140.00	116.67	140.00
Valid 5 days per week	Annual	S	390.00	468.00	390.00	468.00
	6 month	S	195.00	234.00	195.00	234.00
	3 months	S	97.50	117.00	97.50	117.00
Valid 4 days per week	Annual	S	311.67	374.00	311.67	374.00
	6 month	S	155.83	187.00	155.83	187.00
	3 months	S	78.33	94.00	78.33	94.00
Valid 3 days per week	Annual	S	233.33	280.00	233.33	280.00
	6 month	S	116.67	140.00	116.67	140.00
	3 months	S	58.33	70.00	58.33	70.00
Valid 2 days per week	Annual	S	155.83	187.00	155.83	187.00
	6 month	S	78.33	94.00	78.33	94.00
	3 months	S	39.17	47.00	39.17	47.00
Valid 1 days per week	Annual	S	78.33	94.00	78.33	94.00
	6 month	S	39.17	47.00	39.17	47.00
	3 months	S	20.00	24.00	20.00	24.00

HOTEL GUEST PERMITS (per 24 hours)		E	1.67	2.00	3.00	3.00
---	--	---	------	------	------	------

RESIDENT PERMITS

Folkestone & Hythe District Car Park Resident Permits	12 months	S	50.00	60.00	54.20	65.00
On Street Parking Waiver	Daily	E	8.00	8.00	10.00	10.00
On Street Parking Waiver	Weekly	E	24.00	24.00	30.00	30.00
Parking permissions for Window Cleaners, pharmacists,	Annual	E	60.00	60.00	65.00	65.00

FOLKESTONE CONTROLLED PARKING ZONES

1st Resident Permit		E	30.00	30.00	35.00	35.00
2nd Resident Permit		E	30.00	30.00	35.00	35.00
Resident Visitor Permit (5 sessions)		E	5.20	5.20	6.00	6.00
Business Permit		E	60.00	60.00	65.00	65.00
Replacement Permit		E	5.20	5.20	5.20	5.20
Special Permit - Free Health & Care Workers and Emergency services		E	0.00	0.00	0.00	0.00
Trade Permits (All Zones) (Yearly)		E	416.00	416.00	416.00	416.00
Trade Permits (All Zones) (6 monthly)		E	208.00	208.00	208.00	208.00

ON STREET CAR PARKING

	Linear per minute					
Folkestone Town Centre CPZ A1 and A2	Min 30mins	E	0.60	0.60	0.75	0.75
Folkestone Town Centre CPZ A1 and A2	1 Hour- Max 3 hours	E	1.40	1.40	1.50	1.50
Folkestone Seafront Zone C2	Min 1 hour	E	1.40	1.40	1.50	1.50
	Max 5 hours					
The Leas Bandstand- Zone H	Min 1 hour	E	1.40	1.40	1.50	1.50
	Max 5 hours					
Princes Parade, Hythe	Minimum 30 minutes	E	0.70	0.70	0.75	0.75
	1 hour		1.20	1.20	1.50	1.50
	6 hours + (all day)	E	8.40	8.40	9.00	9.00
Parking Suspensions		E	£100 admin charge plus £12 per day per 6 metres		£100 admin charge plus £12 per day per 6 metres	£100 admin charge plus £12 per day per 6 metres

This page is intentionally left blank

Statutory Charges Subject to Discretionary Fees 2022/23

VAT KEY	OS	Outside the scope of VAT
	S	Standard Rated
	E	Exempt

20%

Appendix 4

Service	Further Information	VAT category	Charges for 2021/22	Charges for 2021/22 with VAT if	Proposed charges for	Proposed charges for
			Net of VAT if applicable	applicable	2022/23 Net of VAT if applicable	2022/23 with VAT if applicable
			£	£	£	£
HOUSING						
Licensing Application for Houses in Multiple Occupation Fees(renewals)	All properties	OS	584.00	584.00	796.00	796.00
	Additional fee per unit over 8 units	OS	36.00	36.00		0.00
Licensing Application for Houses in Multiple Occupation Fees(new applications)	All properties	OS	714.00	714.00	937.00	937.00
	Additional fee per unit over 8 units	OS	36.00	36.00		0.00
PLANNING						
High Hedge Complaints	level of fee discretionary	OS	400.00	400.00	400.00	400.00
PLACE						
Local Land Charges						
Official search of the Local Land Charges Register (LLC1)		OS	23.00	23.00	23.00	23.00
Basic Research Fee (CON29)		S	96.67	116.00	99.17	119.00
Optional questions (CON29 Part II optional enquiries of local authority)		S	10.00	12.00	10.00	12.00
Search of Building Control database		S	n/a	n/a		
Search of Planning database		S	n/a	n/a		
Additional parcels (An extra parcel of land in separate occupation or separately rated at the time of the search)		S	14.17	17.00	14.17	17.00
Additional parcels where submitted as part of an LLC1 only		OS	3.00	3.00	3.00	3.00
Submitted via NLIS						
Official search of the Local Land Charges Register (LLC1)		OS	23.00	23.00	24.00	24.00
Basic Research Fee (CON29)		S	86.67	104.00	97.50	107.00
Optional questions (CON29 Part II optional enquiries of local authority)		S	10.00	12.00	9.60	12.00
Additional parcels (An extra parcel of land in separate occupation or separately rated at the time of the search)		S	14.17	17.00	13.30	17.00
Additional parcels where submitted as part of an LLC1 only		OS	3.00	3.00	2.40	3.00
CON29 Individual Questions						
1.1 a-i Planning		S	9.00	10.80	8.70	11.10
1.1 j-l Building Regulations		S	6.75	8.10	6.64	8.30
1.2 Planning Designations & Proposals		S	4.00	4.80	3.92	4.90
2.1 a-d, 3.4 & 3.6 Roadways, Footways & Footpaths		S	26.00	31.20	25.60	32.00
3.1 - 3.3 Land Required for Public Purposes/to be acquired for road works/drainage matters/road schemes		S	3.00	3.60	2.96	3.70
3.5 Nearby Railway Schemes		S	2.00	2.40	2.00	2.50
3.7 Outstanding Notices		S	5.00	6.00	4.92	6.15
3.8 Contravention of Building Regulations		S	6.58	7.90	6.48	8.10
3.9 Notices, Orders, Directions and Proceedings under Planning Acts		S	3.33	4.00	3.28	4.10
3.10 Community Infrastructure Levy		S	5.00	6.00	4.92	6.15
3.11 Conservation Area		S	2.83	3.40	2.80	3.50
3.12 Compulsory Purchase		S	5.00	6.00	4.92	6.15
3.13 Contaminated Land		S	6.58	7.90	6.48	8.10
3.14 Radon Gas		S	6.58	7.90	6.48	8.10
3.15 Assets of Community Value		S	5.00	6.00	4.92	6.15

This page is intentionally left blank

This Report will be made
public on 7 December
2021

Report Number **C/21/58**

To: Cabinet
Date: 15 December 2021
Status: Non-Key Decision
Head of Service: Charlotte Spendley – Director of Corporate Services
Cabinet Member: Councillor David Monk - Cabinet Member for Finance

SUBJECT: DISCRETIONARY RATE RELIEF POLICY REVIEW

SUMMARY: This report is seeking approval from Cabinet to bring the DRR policy up to date and insert information on Section 44a partially occupied relief.

REASONS FOR RECOMMENDATIONS:

Cabinet is asked to agree the recommendations set out below because the policy needs to be brought up to date.

RECOMMENDATIONS:

Cabinet is asked to approve the following recommendations:

- 1) To receive and note report C/21/58.
- 2) To agree the revised Discretionary Rate Relief Policy.

1. INTRODUCTION AND BACKGROUND

1.1 The Discretionary Rate Relief policy was last reviewed December 2016 and has only had housekeeping changes made to it since then.

1.2 It is appropriate to have a policy in place to ensure we have consistency.

1.3 Discretionary Rate Relief can be paid to charitable and not for profit organisations.

1.4 A summary of other reliefs mentioned in this policy follows:

- Mandatory relief – Awarded at 80% of the liability for all charities and community amateur sports clubs (CASCs).
- Discretionary rate relief – Awarded at ‘up to 20%’ top up for charities and CASCs and ‘up to 100%’ for not for profit organisations. 40% of the cost is borne by the Council.
- Section 44a Part occupied relief – Allows the Council to award relief on a portion of a premises for a temporary period. 40% of the cost is borne by the Council.
- Hardship relief – This relief can be applied for by any ratepayer suffering Hardship and eligibility is assessed whilst having regard to the interest of the taxpayers. 40% of the cost is borne by the Council.
- Rural rate relief mandatory – Previously 50% relief for certain businesses in a rural settlement area. This was doubled to 100% relief on 1 April 2017 and is reimbursed to Councils in the Section 31 grant.
- Rural rate relief discretionary – Up to 100% relief for other businesses in a rural settlement area that benefit the community. 40% of the cost is borne by the Council.
- Privately owned public convenience relief was a locally funded relief which has been superseded by The Non-Domestic Rating (Public Toilets) Act which will be reimbursed to Councils in the Section 31 grant.

2. CHANGES TO APPROVE

2.1 In the main the insertions are a tidy up of out of date wording (for example Shepway to Folkestone & Hythe), changing Strategic Objectives to Service Ambitions in respect of how we assess an application and a little more detail in some sections due to this being misinterpreted at times.

2.2 Currently Section 44a partially occupied relief isn't included in a policy. It isn't awarded frequently but feedback suggests it would be beneficial to have our expectations and process recorded formally so this can be provided to ratepayers on request.

- 2.3 Privately owned public convenience relief is no longer required as it has been superseded by The Non-Domestic Rating (Public Toilets) Act. This Act received Royal Assent on 29 April and provides a 100% business rates relief for separately-assessed public toilets in England and Wales, including those being operated by local authorities. This mandatory relief applies retrospectively from 1 April 2020.
- 2.4 Sections have been added to highlight the requirement to pay as billed whilst applications are being processed and Fraud. There can be a time frame of up to 3 months from an application being received to relief being awarded. There are no guarantees the full 20% top up will be awarded for DRR or full amount due for Hardship, although ultimately this is the Portfolio holders decision and therefore ratepayers are encouraged to continue to pay amounts falling due until such time the bill is recalculated so as not to fall in to arrears and potentially incur costs. In respect of fraud the policy is making ratepayers aware false representation can result in prosecution.

3. RISK MANAGEMENT ISSUES

- 3.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
The Covid pandemic results in more requests for Hardship relief	Medium	Medium	All applications will be assessed within the policy criteria and the portfolio holders decision will be made in line with the policy.
Charities and businesses in general not aware of the reliefs available	Medium	Low	Ensure staff are trained accordingly and the website is up to date.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (NM)

The proposed amendments to the DRR policy would be administered in accordance with s47 of the Local Government Finance Act 1988. This provides the statutory basis upon which local authorities may provide discretionary relief to business rates payers

4.2 Finance Officer's Comments (CI)

An allowance for Discretionary Rate Relief is made through the Collection Fund Account on an annual basis. Annually a provision is made which is included within the Council's overall budget for business rates income in the

General Fund and any variances to this will be reported via in-year budget monitoring.

4.3 Diversities and Equalities Implications (GE)

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

4.4 Climate Change Implications (OF)

There are no Climate Change Implications arising directly from this report.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Jo Robinson, Business Rates and Corporate Debt Senior Specialist
Telephone: 01303 853350 Email: jo.robinson@folkestone-hythe.gov.uk

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

Discretionary rates relief policy

This Report will be made public on 7 December 2021



Report Number **C/21/53**

To: Cabinet
Date: 15 December 2021
Status: Key Decision
Responsible Officer: Ewan Green, Director of Place
Cabinet Member: Cllr Stuart Peall, Cabinet Member for Enforcement, Regulatory Services, Waste & Building Control

SUBJECT: UPDATE TO THE CONTAMINATED LAND STRATEGY

SUMMARY:

The council has a duty under Part 2A of the Environmental Protection Act 1990 to manage contaminated land within the district. The council is expected for this purpose to prepare a Contaminated Land Strategy. The strategy must cover a number of objectives notably how contaminated land is identified, risk assessed and remediated if required. Legally, only land where contamination is assessed as a significant risk is considered under the strategy. Land where contamination is present is routinely considered under the Planning Regime for new developments. There have been no major changes to legislation or statutory guidance since the strategy was last reviewed in 2017. The latest version of the strategy is a general update on progress since the last review.

REASONS FOR RECOMMENDATIONS:

It is a statutory requirement of the council to have a Contaminated Land Strategy. The current strategy needs to be reviewed and updated.

RECOMMENDATIONS:

1. To receive and note report C/21/53.
2. To approve the new strategy for the period 2021 to 2026.

1. BACKGROUND

1.1. Local authorities under Part 2A of the Environmental Protection Act 1990 have a duty to manage 'contaminated land' in their area. The EPA 1990 requires each local authority to publish a strategy setting out how it will carry out its duties. The regulations came into force in April 2000 and the council first adopted a Contaminated Land Strategy in 2002, which was then reviewed in 2012 and again in 2017.

1.2. Part 2A of the EPA 1990 defines contaminated land as '*any land which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land, where -*

(a) *significant harm is being caused or there is a significant possibility of such harm being caused; or*

(b) *significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.'*

It is important to note that only land where an unacceptable level of risk has been identified through investigation and risk assessment should be defined as 'contaminated land' under Part 2A EPA 1990 and listed on the Public Register as requiring remediation. The government's approach remains that most land that is affected by contamination should be dealt with through the planning regime where remediation measures are required as part of any development.

1.3. Statutory guidance first published in 2012 summarised the purpose and aims of the contaminated land strategy as -

- *To identify and remove unacceptable risks to human health and the environment.*
- *To seek to ensure that contaminated land is made suitable for its current use.*
- *To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.*

1.4. The council last reviewed its strategy in 2017 and there have been no major regulatory changes in the intervening period. The new edition of the strategy therefore shares a high degree of continuity with the 2012 and 2017 editions.

1.5. In summary the strategy covers the following -

- The regulatory background covered in the EPA 1990 and the statutory guidance. How contaminated land is risk assessed and categorised.
- The characteristics of the district including geographical features, historic and current land use.

- How the strategy was first developed, work carried out in previous strategies and future work.
 - The internal processes the council has adopted in relation to investigating and managing issues related to contaminated land.
 - The external procedures the council will follow with owners, occupiers and other interested parties in relation to liaison, risk communication and enforcement.
 - How further reviews of land not currently under investigation would be triggered.
- 1.6. The draft Contaminated Land Strategy (as defined under Part 2A of the EPA 1990) for the period 2021-21 is attached as Appendix 1

2. INSPECTIONS, REMEDIATION & FURTHER INVESTIGATIVE WORK

- 2.1. The 2012 statutory guidance set out the two forms of inspection that local authorities would normally conduct. The first was a 'strategic inspection' that would take a broad top-down assessment of the land in the district and allocate priority sites for further investigation. This would be followed by a 'detailed inspection' of the priority sites, which would often involve some form of intrusive ground investigation.
- 2.2. Chapter 1.4.3 explains the 'contaminant', 'receptor' and 'pathway' linkage required for the land to be assessed as contaminated. All three elements must exist before a piece of the land can be determined as contaminated under Part 2A, including evidence of the actual presence of contaminants. If at completion of the detailed inspection the land contamination is assessed as a significant unacceptable level of risk, then remedial action would be required.
- 2.3. The responsibility for remediation of contaminated land lies initially with those responsible for the contamination. As the cause of the contamination is often due to the historic use of the land (e.g. former industrial processes) it may not be possible to trace all those responsible. In those circumstances, the current owner or occupier of the land may be held liable.
- 2.4. Chapter 5 of the draft strategy explains the process by which the council would seek to communicate with owners where remedial action was needed, generally seeking to reach voluntary agreement for remedial action before taking formal enforcement action by issuing a remedial notice.
- 2.5. Contaminated land will be listed on the Public Register (as described in Chapter 5.6) including details of remedial notices issued. At this current time there are no entries in the Public Register, however this position may change during the period of the next strategy as further site investigations are concluded.
- 2.6. Chapter 3 of the draft strategy gives a history of the inspections completed and investigative work carried out since 2002 and how this has developed

through each updated strategy. The council firstly completed a strategic assessment in 2002 that identified 100 potential sites. These original potential sites either through remediation or further investigation (e.g. by conceptual site modelling) were refined to 10 sites by the 2011 strategy. There are now four remaining sites that require further investigation, which will be actioned in the course of this next strategy.

3. DRAFT STRATEGY – MAIN UPDATES

3.1. As previously stated, the main regulations (EPA 1990) and the statutory guidance remain largely unchanged so there is a high degree of continuity between the draft strategy and the current edition. The new strategy was prepared by the Environmental Protection Team in conjunction with the council's technical consultants Idom Merebrook.

3.2. In summary, the main updates are listed below -

- Addition of the strategy policy objectives as set out in the statutory guidance (1.1).
- Reference to non-statutory guidance *Land Contamination Risk Management* (LCRM) guidance (authored by the Environment Agency) published on gov.uk in April 2021.
- Expanded definition including examples added to the description of the 'Contaminant', 'Receptor' and 'Pathway' assessment process (1.4.3).
- General update to Chapter 2 'Characteristics of the Folkestone & Hythe District' including addition of the Otterpool Park project and noting the return to the council direct responsibility for the management of the housing stock.
- Expanded note under 2.11.3 about the decommissioning of Dungeness A and B. This is for background information purposes only as legally the decommissioning is actioned separately under other regulatory regimes and stands outside of the Contaminated Land regulations.
- Chapter 3 updated with latest information related to completed site investigations and remaining investigations to be completed.
- General update to the guidance documents referenced in Appendix C including the latest Local Plan 2020.
- Appendix D updated to reference Corporate Plan 2021 aims and objectives.

3.3 As the strategy remains unchanged in terms of regulation and processes no formal public consultation is required. We have however directly contacted the previous statutory consultees (from 2011) with the new draft strategy. It was also added to the Consultation Page of the council's website on 24

September to 24 November 2021. No comments from the public or statutory consultees were received.

4. CONCLUSION

4.1 The EPA 1990 Part 2A requires the council to have a strategy for the management of contaminated land. The draft strategy has been reviewed to ensure the council complies with the regulations and statutory guidance. The draft strategy outlines the inspection, risk assessment and remediation processes, the council will follow in relation to contaminated land. It provides an update on the progress on site investigations and provides an action plan for the four remaining sites.

5. RISK MANAGEMENT ISSUES

5.1 Risk management issues -

Perceived risk	Seriousness	Likelihood	Preventative action
Failure to comply with EPA 1990	High	Low	Revised and updated Contaminated Land Strategy
Technical information is missed in the new update	Medium	Low	Review of regulatory changes completed and engagement of technical consultant.
Contaminated Land is not remediated	Medium	Low	The strategy outlines the inspection process followed up to this point and how the process for further reviews would be carried out. The strategy also sets external procedures leading to the remediation notices being issued.

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (NM)

The Environment Act 1995 introduced contaminated land legislation which had been incorporated as Part 2A of the Environmental Protection Act 1990. Part 2A established a legal framework for dealing with contaminated land in England and placed a responsibility on the local authority to inspect its land from time to time for contaminated land. The decision to designate land as contaminated under Part 2A of the Environmental Protection Act 1990 lies with the Council.

Statutory guidance issued in 2012 placed a duty on the Council to publish a contaminated land strategy to reflect the changes introduced in that guidance and review the strategy every 5 years. This statutory guidance requires the Council to take a “strategic approach” to inspecting their areas for contaminated land and to describe and publish this in a written strategy.

6.2 Finance Officer’s Comments (RH)

No financial implications to this report

6.3 Diversities and Equalities Implications (AR)

No equalities implications.

6.4 Climate Change Implications (AT/HS)

No climate change implications.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Karen Weller
Environmental Protection Senior Specialist
Telephone: 01303 853251
Email: karen.weller@folkestone-hythe.gov.uk

Daniel Stone
Environmental Protection Specialist
Telephone: 01303 853530
Email: daniel.stone@folkestone-hythe.gov.uk

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

None

Appendices:

Appendix 1: Contaminated Land Strategy (As defined under Part 2A of the Environmental Protection Act 1990)



Folkestone & Hythe District Council

Contaminated Land Strategy

as defined under Part 2A of the

Environmental Protection Act 1990

2021 - 2026

CONTENTS

1 INTRODUCTION	4
1.1 Background	4
1.2 Defining contaminated land	5
1.3 Regulatory Context	6
1.4 Development of the Strategy	7
1.4.1 <i>The roles of the District Council and the Environment Agency</i>	7
1.4.2 <i>Dealing with contaminated land</i>	8
1.4.3 <i>Contaminant linkages and risk assessment</i>	8
2 CHARACTERISTICS OF THE FOLKESTONE & HYTHE DISTRICT	10
2.1 Geographical Location	10
2.2 Brief Description / History	11
2.3 Size	11
2.4 Population Distribution	11
2.5 Land Owned by the District Council	13
2.6 Current Land Use Characteristics	13
2.7 Protected Locations	13
2.8 Key Property Types	14
2.9 Key Water Resource / Protection Issues	14
2.10 Known Information on Contamination	15
2.11 Current and Past Industrial History	15
2.11.1 <i>Mineral extraction</i>	15
2.11.2 <i>Stone and lime</i>	15
2.11.3 <i>Other potentially contaminative industries</i>	15
2.11.4 <i>Ministry of Defence land (MOD)</i>	16
2.12 Broad Geological Characteristics	17
2.13 Broad Hydrogeological Characteristics	17
2.14 Areas of Naturally Occurring Metal Enriched Soils	19
3 THE FOLKESTONE & HYTHE STRATEGY: OVERALL AIMS	20
3.1 Previous identification of sites and remediation	20
3.2 Ongoing work	21
4 PROCEDURES	23
4.1 Internal Management Arrangements for Inspection and Identification	23
4.2 Considering Local Authority Interests in Land	23
4.3 Information Collection	23
4.4 Information Management	24
4.5 Complaints and Voluntary Informative Provision	25
4.5.1 <i>Complaints and enquiries</i>	25
4.5.2 <i>Confidentiality</i>	25
4.5.3 <i>Voluntary Provision of Information</i>	25
4.5.4 <i>Anecdotal evidence</i>	25
4.6 Risk Assessment	25
4.7 Interaction with other Regulatory Regimes	26
4.7.1 <i>Planning</i>	26
4.7.2 <i>Water pollution</i>	26

4.7.3 Environmental permitting	26
5 LIASON, ENFORCEMENT AND RISK COMMUNICATION	28
5.1 Communicating with Owners, Occupiers and other Interested Parties	28
5.2 Powers of Entry	28
5.3 Enforcement Action	28
5.4 Risk Communication	29
5.5 Provision of Information to the Environment Agency	29
5.6 Public Register	30
5.7 Request for Information	30
5.8 Complaints	31
6 REVIEW MECHANISMS	32
6.1 Triggers for Undertaking Investigation	32
6.2 Triggers for Reviewing Inspection Decisions	32
6.3 Reviewing the Strategy	32
GLOSSARY	33
Appendix A: Details of those consulted Statutory Consultees	
Appendix B: References	
Appendix C: Folkestone and Hythe District Council Corporate Aims	

Chapter 1

INTRODUCTION

1.1 Background

Since April 2000, local authorities have had a duty to manage contaminated land within their areas. The duty was conferred by Part 2A of the Environmental Protection Act 1990 (“the Act”) and associated Statutory Guidance. The Act gives local authorities the lead role in dealing with contaminated land and requires each authority to publish a written strategy setting out how it will carry out its duties.

This strategy describes how Folkestone & Hythe District Council fulfil their responsibilities under Part 2A of the Environmental Protection Act, taking account of the statutory guidance.

This strategy relates specifically to the identification and management of “*Contaminated Land*” in the context of Part 2A of the EPA. It is acknowledged that there is a broader category of “*land affected by contamination*” which may not meet the definition of Part 2A contaminated land. For the broader issue of “*land affected by contamination*” other regimes are relevant, particularly the planning regime (for new development on previously used land). Further information on other regimes is presented in Section 4.7 of this document.

The Council’s Contaminated Land Strategy is reviewed regularly and was last updated in 2017. This latest strategy update explains how the Council will implement the contaminated land regime from 2021 onwards, taking account of the latest guidance, progress to date on the implementation of the strategy and the resources available to the Council.

Folkestone & Hythe District Council recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal and societal factors, which also affect how particular contaminated land issues should be addressed. The Council also recognises that decisions about contaminated land need to be scientifically robust, proportionate and transparent.

The specific objectives of this strategy with regard to the implementation of Part 2A of the Environmental Protection Act are as follows:

- (a) *To identify and remove unacceptable risks to human health and the environment.*
- (b) *To seek to ensure that contaminated land is made suitable for its current use.*
- (c) *To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.*

This strategy takes a risk-based approach to land contamination assessment in the context of the current use of a site.

Wherever possible, these objectives will be achieved through voluntary remediation and / or the redevelopment or regeneration of sites. This approach aims to minimise burdens on individuals, business and the wider community while ensuring that unacceptable risks are dealt with effectively.

The Council aims to work with local people, local business and with other agencies to build a community in which all can take part and all can take pride. Land contamination has the potential to result in significant impacts to both the environment and the economy. These objectives were therefore key considerations in developing this strategy.

This document aims to address individual sites in an open and informative manner. The original strategy was first presented as a consultation draft and made available to all interested sections of the community, businesses and developers. Comments received were ~~considered~~ before the strategy was finalised and submitted to the Department for Environment, Food and Rural Affairs (DEFRA). The revised strategy does not require consultation as it only includes updated legislation, guidance and work undertaken since the original.

The Strategy supports the Council's Corporate Plan's long-term vision for improving the health and wellbeing for all of those who live and work in the district whilst protecting the environment. The Council's corporate ambitions are shown at Appendix D of this strategy.

1.2 Defining contaminated land

The definition of contaminated land is given in Section 78A (2) of Part 2A of the Environmental Protection Act 1990.

Contaminated land is *any land which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land, where:*

- (a) *significant harm is being caused or there is a significant possibility of such harm being caused; or*
- (b) *significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused.*

Section 78A(5) requires the regulatory authority to act in accordance with statutory guidance issued by the Secretary of State in 2012 in determining what "harm" is to be regarded as "significant".

Where radioactivity is a contaminant affecting human health the definition for contaminated land has been modified as follows:

any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that –

- (a) *harm is being caused, or*
- (b) *there is a significant possibility of such harm being caused.*

The regime only applies in circumstances where the radioactivity is the result of past practice or work activity, or the after-effects of a radiological emergency. The regime does not apply to: radioactivity on land causing significant harm to the wider environment or the pollution of controlled waters; naturally occurring radon gas; risks arising from the changes in the way land contaminated by radioactivity is used; or radioactivity on land within the boundary of a nuclear licenced site.

1.3 Regulatory Context

Legislation

Contaminated land regulations have been under development since the early 1990's. Following consultation on a 1993 White Paper entitled "Paying for our Past", The Environment Act 1995 inserted a new section (Part 2A) into The Environmental Protection Act 1990 (EPA). Another period of detailed consultation followed this enabling legislation and the regulations and statutory guidance finally came into force in April 2000. It is the introduction of this regulatory regime, generally referred to as the Part 2A regime, which prompted the production of the original strategy document.

In addition, radioactivity regulations came into force on the 4th August 2006 and were extended in December 2007 to cover the regulatory requirements of Local Authorities and the Environment Agency (EA) for radioactive contamination including radioactivity originating from nuclear licensed sites.

Statutory Guidance

In 2012, statutory guidance was issued to explain how local authorities should implement the Contaminated Land regime, including how they should go about deciding whether land is contaminated in the legal sense of the term.

The statutory guidance recognises that there are two broad types of "inspection" likely to be carried out by local authorities:

- **strategic inspection:** for example, collecting information to make a broad assessment of land within an authority's area and then identifying priority land for more detailed consideration; and
- **detailed inspection:** carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land.

The 2012 statutory guidance sets out four risk categories: *Category 1* being those that are clearly contaminated and *Category 4* being those that are not contaminated. *Categories 2* and *3* lie somewhere in between. In assessing risk, "normal" ground contamination is to be ignored.

Category 2 land is defined as that which gives concern that it poses a significant risk or significant possibility of significant risk of harm and whilst there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, on the basis of the available evidence (including expert opinion), the local authority believes that there is a strong case for taking action to remediate the land under Part 2A.

In contrast, *Category 3* land is unlikely to require remediation because the relevant authority has concluded that there is no significant possibility of significant harm. This includes situations where the authority considers that regulatory intervention under Part 2A is not warranted.

The distinction between *Category 2* and *Category 3* land is not always clear and local authorities are, therefore, advised that if a decision cannot be made on the basis of risk of harm, then any indirect effects and results of a cost benefit analysis should be considered. This involves a "precautionary approach" to likely harm set against an appropriate balancing of the

costs and net gains of remediation. Thus, if the costs of carrying out remediation are likely to be high and the net benefits very low, then the land should be classed as *Category 3*. Similarly, if having carried out all of the above exercises, the local authority can still not make a decision using these tests, then the land should be classed as *Category 3*.

Just because land has been classed as *Category 3* does not mean that remediation may not be required in the future if redevelopment takes place; a *Category 3* designation instead means that immediate remediation under Part 2A is not required.

Non-Statutory Guidance

Land Contamination Risk Management (LCRM) guidance (authored by the Environment Agency) was published on gov.uk in April 2021. LCRM is designed to be used in a range of regulatory contexts including under the Part 2A contaminated land regime. LCRM guidance is intended to be used to:

- *identify and assess if there is an unacceptable risk;*
- *assess what remediation options are suitable to manage the risk;*
- *plan and carry out remediation; and*
- *verify that remediation has worked.*

1.4 Development of the Strategy

The Council originally carried out an initial strategic inspection of land in its area for contamination in 2002 / 2003 using an approach which was in line with guidance applicable at that time ("*Contaminated Land Inspection Strategies - Technical Advice for Local Authorities*" issued by the Department of the Environment, Transport and the Regions (DETR), now Department for the Environment, Food and Rural Affairs (DEFRA). The approach required assessment to:

- Be rational, ordered and efficient
- Be proportionate to the seriousness of any actual or potential risk
- Seek to ensure the most pressing and serious problems are located first
- Ensure that resources are concentrated on investigating areas where the authority is most likely to identify contaminated land
- Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land

The strategic inspection was developed to meet these requirements. The strategy was prepared in a number of stages as detailed in Chapter 3 (including formal consultation on previous versions) and was reported in 2011.

The strategy was updated in 2017 to take account of the new statutory guidance and progress with the implementation of the strategy. In 2017, the shortlist of sites (identified by strategic inspection) that warrant detailed inspection was refined.

This revised Strategy explains how the Council will implement the contaminated land regime from 2021 onwards and takes account of the latest guidance, progress with the strategy, experience and the resources available to the Council at the current time.

This current updated strategy has been prepared by Folkestone & Hythe District Council and IDOM Merebrook and does not require consultation as the document is not fundamentally changed in approach or methodology. This document has been updated with reference to current legislation / guidance and works undertaken to date (September 2021).

1.4.1 The roles of the District Council and the Environment Agency

Local authorities have been given the primary regulatory role under the Part 2A regime as local authorities have historically had responsibility for dealing with any Statutory Nuisance caused by land contamination and are also the lead authorities on land use planning.

The local authority has the following duties:

- To inspect areas of potentially contaminated land;
- To determine whether any sites within the district meet the statutory definition of contaminated land; and
- To act as the enforcing authority for all contaminated land determined under Part 2A of the EPA, unless the site meets the definition of a “special site” (in which case the EA will act as the enforcing authority).

The EA has a role in providing the Council with a range of environmental information and in providing site-specific local guidance, particularly in relation to the pollution of controlled waters. The EA will be the regulatory authority for “special sites”, *i.e.* those sites determined as contaminated land that fall into one or more of the categories described in the regulations. Special sites include sites where controlled waters are being affected, where certain industrial activities have given rise to contamination or where contaminated land involves the Ministry of Defence (MOD) estate and land that is contaminated by radioactive substances where the substances are causing harm or where there is a significant possibility of such harm being caused.

1.4.2 Dealing with contaminated land

If an area of contaminated land or potentially contaminated land has been identified, the approach for dealing with it will be the same regardless of whether the local authority or the EA is the regulator. There are four main stages to this approach:

- To establish who is the “appropriate person” to bear responsibility for the remediation (or “clean-up”) of the land.
- To decide what remediation is required and to ensure that this occurs, through:
 - Reaching a voluntary agreement or
 - Serving a remediation notice, if agreement cannot be reached and
 - In certain circumstances the Council carrying out work
- To determine, according to national guidance, whom should bear what proportion of the liability for meeting the costs of the work
- To record certain information about regulatory action on a public register.

1.4.3 Contaminant linkages and risk assessment

For a site to meet the definition of contaminated land, a contaminant linkage must be established. A contaminant linkage consists of three parts:

- A **contaminant** is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters. Examples of common contaminants include heavy metals (such as

arsenic, lead), hydrocarbons and asbestos.

- ii. A **receptor** is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters (*i.e.* groundwater or surface waters).
- iii. A **pathway** is a route by which a receptor is or might be affected by a contaminant. Examples of pathways affecting health include inhalation, ingestion and dermal contact. Pathways affecting controlled waters might include leaching of contamination from the soil into the underlying groundwater or run-off of contaminated soils into an adjacent surface water stream or river.

The term “contaminant linkage” means the relationship between a contaminant, a pathway and a receptor. All three elements of a contamination linkage must exist in relation to particular land before the land can be considered potentially to be contaminated under Part 2A, including evidence of the actual presence of contaminants.

The term “significant contaminant linkage”, as used in the statutory guidance, means a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land. The term “significant contaminant” means the contaminant which forms part of a significant contaminant linkage.

All these factors are defined and explained in statutory guidance.

The Public Register

The Council must maintain a public register containing certain information about the sites it has dealt with under the Part IIA regime. Sites are only included on the register once a determination has been made.

Chapter 2 CHARACTERISTICS OF FOLKESTONE & HYTHE DISTRICT

This chapter gives the background to the Folkestone and Hythe district and an explanation of how this influences the Council's approach to inspection for contaminated land. It will also enable fair comparison with other authorities.

2.1 Geographical Location

Folkestone and Hythe district is situated on the Channel coast about 75 miles from London in an important strategic position in Europe occupying a key communications position.



Source: Contains Ordnance Survey data © Crown copyright and database rights (2014). Licence number 100030994.

2.2 Brief Description / History

The character of the Folkestone and Hythe district is linked to the character of its land. The district is a predominantly rural area with two main towns (Folkestone and Hythe).

2.3 Size

The district covers an area of 140 square miles or 35,700 hectares and its natural environment is generally of high quality, comprising a number of distinct landscapes: -

- a). **The North Downs** with attractive villages and hamlets is identified as being a nationally important Area of Outstanding Natural Beauty.
- b). **The Clay Vale** at the foot of the North Downs carries the main transportation corridor between London and the Channel Ports. This is also the location of a new garden settlement, Otterpool Park.
- c). **The Coast** is a significant environmental asset stretching from Romney Marsh in the west to Folkestone in the East, with broad sandy beaches, narrow shingle beaches and sandstone and chalk cliffs.
- d). **Romney Marsh** possesses a unique landscape, bordered by the Saxon shoreline. It includes the ancient Towns of Lydd and New Romney, the coastal resorts of Dymchurch and St Mary's Bay and a number of small inland villages.
- e). **Folkestone** contains about half the population of the district. The town is well situated in terms of communication corridors with a strong orientation of transport routes towards the Channel Ports.
- f). **Hythe** – The ancient town of Hythe is an attractive residential area with a small but busy centre.
- g). **Otterpool Park** is a proposed new garden town comprising a residential-led mixed use development planned to accommodate up to 5,600 new homes up to 2037 with a total of 8,000 to 10,000 beyond that period.

2.4 Population Distribution

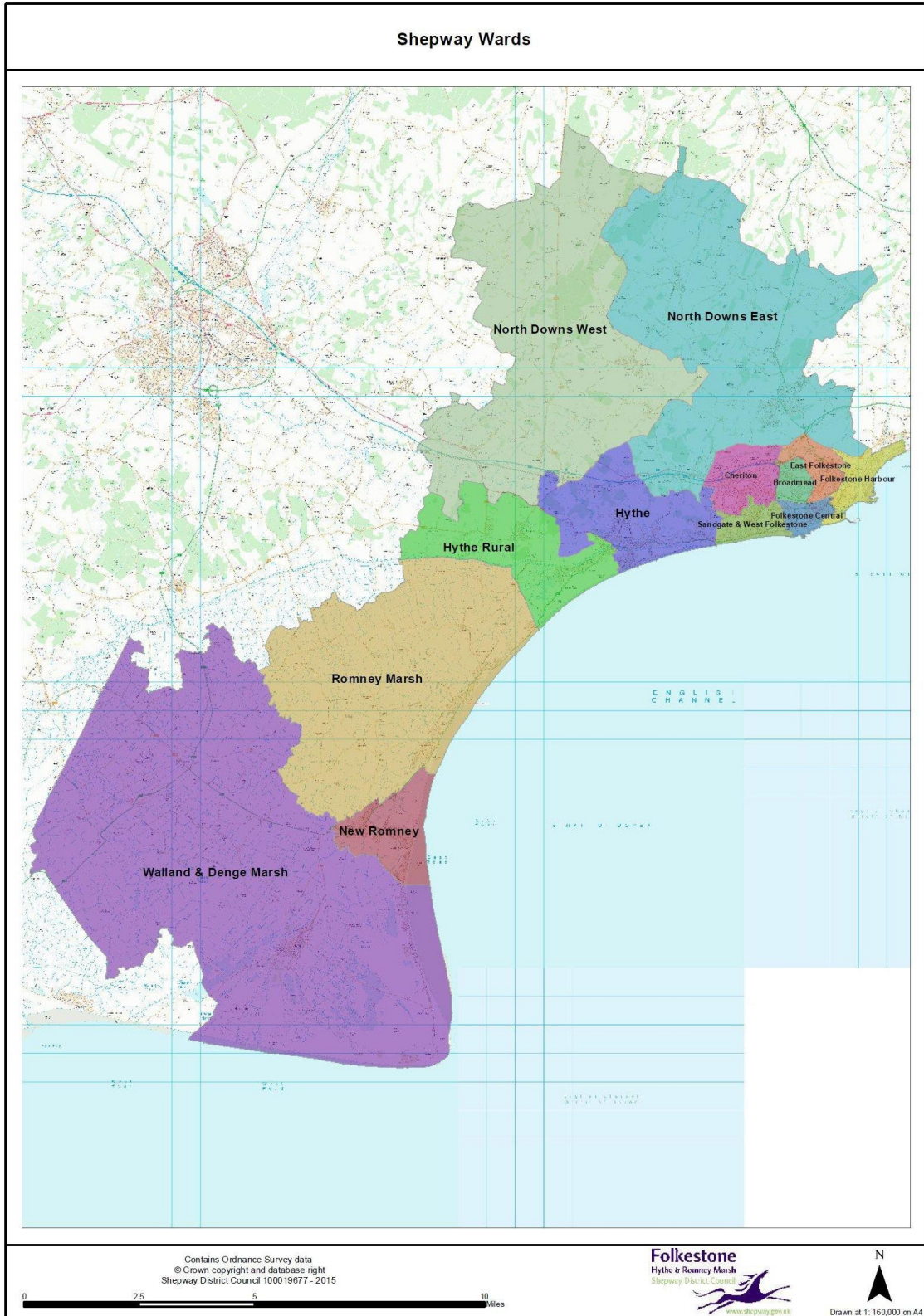
The District has a population of around 113,320 (National Statistics 2020 mid-year estimate).

Most of the population live in the coastal towns of Folkestone and Hythe. Villages interspersed with woodland along parts of the North Downs are in the north along with the small town Hawkinge to the north east. In the south is a coastal expanse of lower lying, periodically reclaimed villages over the centuries in less forested Romney Marsh which has a number of communities extensively built in the medieval period and 17th century as centres of the Romney Marsh wool trade.

The District Council split into 13 wards:

- Folkestone: six wards (Broadmead; Cheriton; East Folkestone; Folkestone Central; Folkestone Harbour; Sandgate and West Folkestone)
- Hythe
- Hythe Rural

- New Romney
- North Downs East
- North Downs West
- Romney Marsh
- Walland and Denge Marsh



2.5 Land Owned by the District Council

Folkestone & Hythe District Council has a variety of land holdings in the district, including public open space of parks, gardens, sports grounds and allotments that total about 270 acres and 26 miles of coastline, which it manages. There are also two areas designated as Country Parks that are around 390 acres in size and the Council maintains another 50 acres for Town and Parish Councils.

The Council's Housing Revenue Account (HRA) has a property portfolio of 3,397 council homes (including 14 shared ownership homes), 211 leasehold homes, together with 6 commercial properties. In 2020, the Council brought its housing stock back in house, having previously been managed by East Kent Housing (EKH) ALMO since 2010.

There are a number of commercial properties owned by the Council including the offices and workshops at the Civic Centre and Ross Depot.

A separate inspection strategy was undertaken by the Council. Under this inspection strategy, Council owned land was prioritised, in accordance with government guidance (DEFRA Circular 01/2006 Contaminated Land) as best practice and to lead a good example to other land owners.

2.6 Current Land Use Characteristics

The main use of land in the district, other than for residential use, is for agriculture. Current industrial activity is generally restricted to a number of small to medium size industrial estates. Sand and gravel is extracted on Romney Marsh.

Dungeness Nuclear Power station is the only very large industrial site in the district. *Dungeness A* (operated by Magnox Ltd and owned by the Nuclear Decommissioning Authority) ceased production in 2006 and the site is undergoing decommissioning and delicensing under the regulation of the Office for Nuclear Regulation. *Dungeness B* is an active advanced gas-cooled station operated by EDF Energy. In June 2021, EDF announced that it would begin defueling Dungeness B with immediate effect.

Military training also has an impact on land use in the district. There are two large, secure training grounds with firing ranges, an army camp and a number of training areas on farmland and in woodland.

Transport links have a major impact in the area with the M20 motorway as a major route from London to the Channel ports. There is also the Channel Tunnel terminal with its links to the M20 and to the Channel Tunnel Rail Link (High Speed 1).

2.7 Protected Locations

The District's landscape and biodiversity quality is a major natural asset. Landscape and habitats range from rolling chalk downland, low lying Marsh, shingle and dune areas and rich woodlands and include the Royal Society for the Protection of Birds (RSPB) Reserve at Dungeness. Sand dune and shingle habitats are particularly important. This includes the UK BAP priority habitats of Coastal vegetated shingle, 93.8% of Kent's resource, and Coastal sand dunes, which is 16.5% of the County resource. The district also has a significant proportion of the county's grassland resource with over 20% of Kent's calcareous grassland, a fifth of Kent's acid grassland, and 8.2% of the county's neutral grassland.

Key assets include:

- Much of the north of the district lies within the Kent Downs Area of Outstanding Natural Beauty (AONB)
- The coastline at Folkestone's East Cliff and Warren which is part of the Folkestone to Dover Heritage Coast
- Local Landscape Areas covering Romney Marsh and areas within and around Folkestone & Hythe
- Three Special Areas of Conservation (SACs) designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna – Dungeness, Folkestone to Etchingill Escarpment, Park Gate Down
- One Special Protection Area (SPA) designated under the EC Directive on the Conservation of Wild Birds – Dungeness, Romney Marsh and Rye Bay covering 4,010 ha
- A Ramsar site (wetland of international importance) at Dungeness, Romney Marsh and Rye Bay covering 6,377 ha.
- A 1,030 hectare National Nature Reserve (NNR) declared in July 2011 at Dungeness
- 12 Sites of Special Scientific Interest (SSSIs)
- 40 Local Wildlife Sites (LWS)
- 2 Local Nature Reserves within the district – Folkestone Warren (LNR) and Romney Warren (LNR)
- Extensive areas of ancient woodlands, principally located in the north of the district and particularly in the North Downs.

2.8 Key Property Types

The district has 918 buildings and structures listed as being of special architectural or historic interest, 64 Ancient monuments, 21 designated Conservation Areas and 2 historic parks registered as of national importance.

2.9 Key Water Resource / Protection Issues

Folkestone & Hythe District Council have considered water resources in the district in a holistic manner in their 2018 Water Cycle Study. The Water Cycle Study focuses chiefly on plan making and sustainable development, however information on the nature and importance of controlled water receptors is included, which is relevant to this strategy.

Affinity Water supplies the majority of the District's drinking water. These supplies are obtained from licensed abstraction sources in the district. The very north and southwest of the district are supplied by South East Water. In addition, there are a number of private abstraction sources from the Chalk aquifer that are licensed.

The Council regularly inspects the quality of the private water supplies at known sites within the district under the terms of the *Private Water Supplies (England) Regulations 2016*. These supplies are mainly from ground water sources such as springs, wells and boreholes.

Wastewater services are provided by Southern Water plc who are responsible for several major treatment plants in the district discharging effluent into the sea and a number of small package plants which discharge into local dykes and ditches. There are also a significant number of cesspools and septic tanks in less populated areas.

The Environment Agency has powers to take action to prevent or remedy pollution to controlled waters. The Environment Agency is also the key consultee in the planning system with regard to the protection of controlled waters. It will be necessary to have regard to the Environment

Agency's "Groundwater protection" guidance when considering groundwater protection issues in more detail.

It may also be necessary to seek advice from Natural England in relation to any impacts on the River Stour catchment area in the North Downs. New development has the potential to increase nutrient flows into the River Stour, flowing into the Stodmarsh system of European designated sites north east of Canterbury. The issues is dealt with in Policy CSD5 in the emerging Core Strategy Review.

2.10 Known Information on Contamination

The Council holds information on contaminated sites in the district as a result of previous exercises set out within the inspection strategy and as part of the development control process. This process initially identified ten potential sites of contamination, four of which are either on-going or require further information.

If development is proposed on an area of land where past use may have resulted in contamination or where a sensitive use is proposed, the applicant will be required to carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination as part of a planning condition. If development proceeds on these sites, remedial works will often have been carried out to improve the site conditions if analysis shows this is necessary. This process is set out in Policy NE7 of the Places and Policies Local Plan (2020). Planning records therefore form a valuable resource during the investigation process.

The Planning Department consult with Environmental Protection where sensitive end uses are proposed, where extensions and incidental buildings are proposed in areas shown on GIS as potentially contaminated and where the proposed development site is a brown field site. Where appropriate a standard planning condition is applied. For sites where contamination is suspected due to known previous uses, the standard planning condition is applied to all permissions. The standard planning condition requires a Desk Study, followed by a Phase II Site Investigation, Remediation and Verification Report as appropriate.

2.11 Current and Past Industrial History

The Folkestone & Hythe district does not have an extensive industrial past. Historic land use has included activities such as petroleum storage, engineering works and landfill. The only significant uses have related to mineral extraction on the Marsh, a limited amount of quarrying for stone and the manufacture of bricks for local use. Some producer gas works are known to have existed and presently there are two nuclear power plants, one of which is currently being decommissioned (see 2.11.3 below).

2.11.1 Mineral extraction

The extraction of sands and gravel on the Romney Marsh has taken place for many years. The material comes from sea deposition that has built up the landform over time. Some brickworks are known to have existed in the Folkestone area with the materials being quarried nearby. These seem to have been for small-scale local use only.

2.11.2 Stone and lime

A small amount of stone extraction occurred at the base of the North Downs and some very small-scale lime pits were constructed.

2.11.3 Other potentially contaminative industries

CHARCOAL BURNING has occurred throughout the District at various times.

RAILWAYS once extended over several parts of the district. All the branch lines have been removed except for one link to Dungeness power station. In recent years, however, the Channel Tunnel Rail Link and the Channel Tunnel has been developed with the freight yard at Dollands Moor.

POWER GENERATION from historic gas works is known to have existed in Folkestone, Hythe, New Romney and Lydd. Most of the works were very small, although one of the plants at Folkestone was a reasonable size and only ceased production in the 1960's.

NUCLEAR POWER PLANTS In the 1950's work began on a nuclear power plant at Dungeness. The two Magnox power plants at *Dungeness A* (operated by Magnox Ltd and owned by the Nuclear Decommissioning Authority) ceased production in 2006 and the site is undergoing decommissioning and delicensing under regulation from the *Office for Nuclear Regulation*. *Dungeness B* is an active twin reactor advanced gas-cooled station operated by EDF Energy. In June 2021, EDF announced that it would begin defueling Dungeness B with immediate effect. .

Dungeness A and B remain Nuclear Licensed Sites and one of the conditions of de-licensing is that all significant radioactivity has been dealt with. It will be many years before delicensing and the *Office of Nuclear Regulation* will regulate the control of any residual radioactivity or radioactive waste in consultation with the Environment Agency and other relevant stakeholders as part of that process. Folkestone & Hythe District Council has several members on the formally constituted stakeholder group. The Council therefore have access to information on the decommissioning process and any associated issues. Also, the Council was a statutory consultee for the *Environmental Impact Assessment* on the decommissioning for *Dungeness A* and will be consulted again in due course for *Dungeness B*.

As the decommissioning is being dealt with under other regimes and in consultation with the Council, it is not appropriate to consider it under the Contaminated Land regime - and indeed radioactivity issues within the boundary of the nuclear licenced sites are expressly excluded from the Contaminated Land regime.

The Council will continue to engage with the Dungeness stakeholder group for the decommissioning.

It is noted in the *Kent Minerals and Waste Local Plan 2013 – 2030* that Dungeness A and B lie in an environmentally sensitive area adjacent to sites of international and national importance for their geology and biodiversity interests. The document notes the potential for Dungeness C to be built in future and the associated requirement for storage facilities for radioactive waste. The document includes a policy CWS17 (formulated following a public referendum) which states that *facilities for the storage and / or management of radioactive waste will be acceptable within the Nuclear Licenced Area at Dungeness where i) this is consistent with the national strategy for managing radioactive waste and discharges; ii) the outcome of environmental assessments justify it being managed on site*. The policy precludes the management of waste from anywhere other than the nuclear power stations at this location and would preclude the development of a geological disposal facility at Dungeness.

2.11.4 Ministry of Defence land (MOD)

The Army has had training grounds in the area for many years. If land that involves the MOD estate is determined by the Council to be contaminated land, it will be designated as a "special site" and the Environment Agency will become the enforcing authority for that land, provided the Agency agrees with the Council's designation. The Royal Airforce also had facilities in the


district including an aerodrome at Hawkinge.

Several former MOD sites in the district (at Shorncliffe and Hawkinge) have been put forward for redevelopment and are progressing through the planning system whereby planning controls (in the form of land contamination planning conditions) ensure that the site is safe and suitable for its intended use in the context of the *National Planning Policy Framework* and associated *Planning Practice Guidance* on land affected by contamination.

2.12 Broad Geological Characteristics

Geologically, the district can be divided into two areas, with the North Downs to the north of the District and the Romney Marsh in the south.

The sequence of strata in the north of the district comprises:

	Stratum	Lithology
Youngest  Oldest	Middle Chalk	chalk
	Lower Chalk	chalk
	Gault Clay	a clay of high plasticity
	Folkestone Beds	well compacted sand, sometimes with clay lenses
	Sandgate Beds	clays and sands
	Hythe Beds	sands, sandstones and limestone
	Atherfield Clay	clay, sometimes with beds of silt & ironstone

These strata belong to the Cretaceous geological era.

Romney Marsh and the adjacent Walland Marsh are reclaimed areas and consist of Marine Alluvial Clays and Sands, which are from the Pleistocene Era. The promontory of Dungeness is a ~~cut~~ prograding shoreline formed from shingle, which comprises flint pebbles. This area of shingle extends along the coastline and for several miles inland.

An area liable to landslip runs approximately west to east across the district. To the east of Folkestone, the slip mechanism is essentially chalk slipping over the Gault Clay but further west the Hythe Beds, forming the lower stratum of the old sea cliffs, form a slip plane with the Atherfield Clay beneath.

2.13 Broad Hydrogeological Characteristics

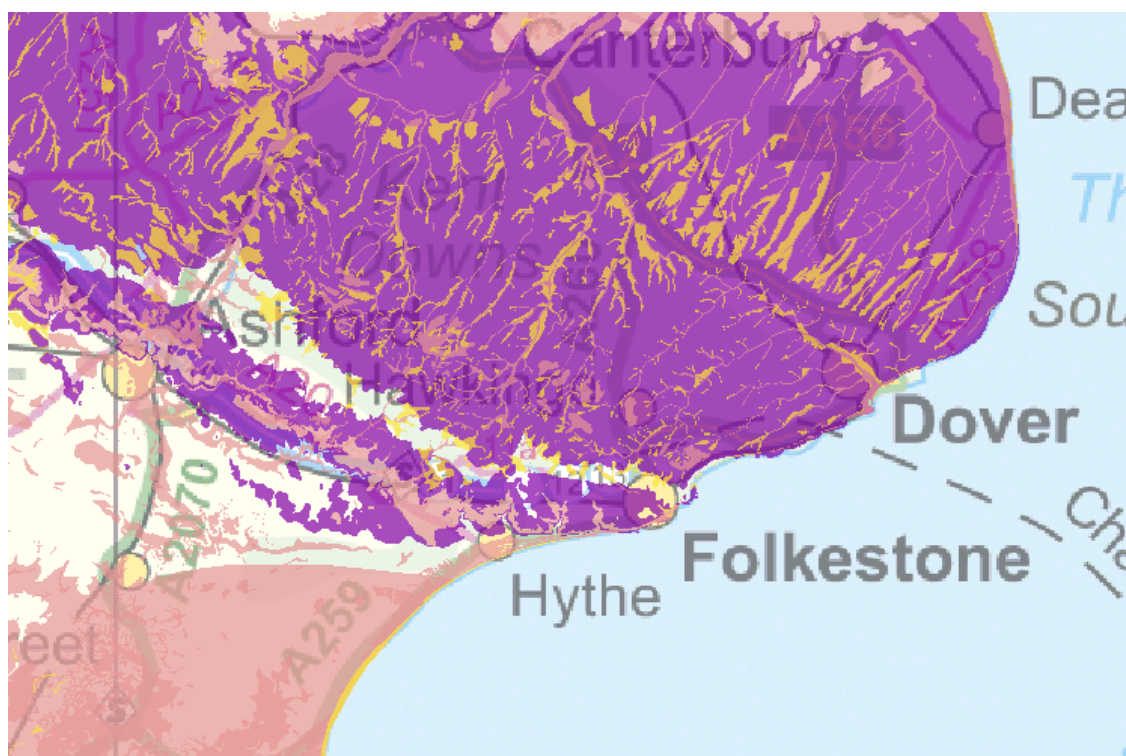
The Folkestone & Hythe district contains several rivers and streams that rise in the area. The East Stour is the largest and flows out of the district in a north-easterly direction into the Ashford Borough Council area. The Nailbourne flows in a northerly direction into the Canterbury District Council area. A number of smaller streams rise along the base of the Downs and travel east to join together to form the Pent that flows through Folkestone and enters the sea in the harbour. A number of other small streams flow south from the Downs into the Hythe Royal Military canal.

Protection of water quality from contamination is a major objective of this strategy. The EA has a Groundwater Vulnerability Map (see figure 2) that provides information on the

water beneath the land in the District. This indicates that there are Principal aquifers of high vulnerability in the District and some Secondary aquifers. These are largely in the area of the North Downs with one small aquifer on Dungeness. The remainder of the District is classified as Unproductive strata.

The EA provided data on abstractions; discharge consents and impoundments (water storage, e.g. reservoir) and details of the hydrology of the area were available from the Institute of hydrology. Further information was collated on areas of protected groundwater where important abstractions occur. The EA term such areas “source protection zones” and a number of these are present within the District boundaries.

Figure 2: Groundwater Vulnerability Map of the Folkestone & Hythe District



Key:

Principal Aquifers

These are layers of rock or drift deposits that have high intergranular and/or fracture permeability - meaning they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. In most cases, principal aquifers are aquifers previously designated as major aquifer.

Secondary Aquifers

These include a wide range of rock layers or drift deposits with an equally wide range of water permeability and storage. Secondary aquifers are subdivided into two types:

Secondary A - permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These

are generally aquifers formerly classified as minor aquifers;

- *Secondary B* - predominantly lower permeability layers which may store and yield limited amounts of groundwater due to localised features such as fissures, thin permeable horizons and weathering. These are generally the water-bearing parts of the former non-aquifers.
- *Secondary Undifferentiated* - has been assigned in cases where it has not been possible to attribute either category A or B to a rock type. In most cases, this means that the layer in question has previously been designated as both minor and non-aquifer in different locations due to the variable characteristics of the rock type.

Unproductive Strata - These are rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow.

2.14 Areas of Naturally Occurring Metal Enriched Soils

The Soil Survey and Land Research Centre based at Cranfield University have undertaken a national soil survey. The dataset relating to the Folkestone & Hythe district was examined and it was determined that there were no areas of naturally metal-enriched soils.

Chapter 3

THE FOLKESTONE & HYTHE STRATEGY: OVERALL AIMS

The background to this strategy was described in Section 1.4. A detailed breakdown of how the Council will meet its objectives is given in this section.

Human Health

The Council's first priority in dealing with contaminated land is to protect human health and drinking water supplies as clearly stated in section 3.1. Land within the District was therefore inspected with population density in mind.

The largest towns will generally have the largest number of human receptors. These areas are also most likely to have had contaminant linkage (source, pathway, receptor) of an area of contaminated land, which could cause significant harm to human health.

Inspections were prioritised on the basis of population the four largest towns in the District (Folkestone, Hythe, New Romney and Lydd) were initially inspected, followed by the District's many villages and smaller settlements.

Threats to Controlled waters, protected areas of the environment and property

The investigation of towns and villages can identify information that may reveal any imminent threats to controlled waters or protected areas of the environment posed by contaminated land. If evidence of sites are brought to light and demonstrate a need for urgent action, this will be taken as soon as practicable.

3.1 Previous identification of sites and remediation

The Regulations require that the assessment of contaminated land sites is prioritised.

The Council undertook a desk-based review of the district during 2002 and 2003, for the purpose of identifying all potentially contaminated land sites as defined under Part 2A of the EPA 1990. This work involved an extensive review of the council area history and environmental setting.

A total of 100 sites were identified as being potentially considered as 'contaminated land'. Each site was ranked according to the environmental sensitivity / setting of the site and the severity of the potential contamination present. The 100 identified sites were divided into the following categories:

Table 1: Potentially contaminated land sites identified within the district

Rank of site	No. of sites identified
8	6
7	47
6	28
5	13
4	5
3	1
2	0
Total	100

Rank 8 sites are considered to be the most potentially significant in terms of risk posed and Rank 2 the least significant.

Subsequently, four of the six Rank 8 sites were classed as emergency sites where urgent / immediate action was required.

Following the prioritisation of sites, a risk-based inspection programme was developed to ensure the effective remediation of land.

This was undertaken by designing conceptual site models (CSM) for each of the potentially contaminated land sites. Under the definition of Part 2A of the EPA 1990, for an environmental risk to exist there has to be a pollutant linkage. The potential sites previously identified were assessed within the source – pathway – receptor methodology as described above in the framework of a CSM.

A CSM is a representation of the understanding of the site and the surrounding environment including the geology, groundwater, surface water bodies, potential contamination, processes (e.g. volatilisation, leaching) acting on substances present and contaminant migration pathways. It describes all potential pollutant linkages at the site, taking into account the current and proposed uses of the site.

The CSM assigned either:

- A conclusion: i.e. no further work required due to no / low level of risk posed; or
- A risk management recommendation for the next phase of work required.

Risk management recommendations included:

- Site visit to determine the current use of the site;
- Intrusive investigation to determine the presence / level of contamination present;
- Consultation with developer / planners to determine whether any remedial measures have already been undertaken;
- Consultation with other regulatory bodies such as the EA to determine whether any remedial measures are underway or whether they are aware of any current issues; and
- Continued monitoring of landfill sites.

After the inspection programme was complete, ten sites were considered the Council's top priority potentially contaminated sites. After further investigation, three of these sites were deemed fit for purpose (*i.e.* the sites were judged suitable for their current use and do not represent a potential risk to controlled waters or human health. If redeveloped, further assessment against the proposed use will be required). One site was remediated, leaving six sites requiring further work.

3.2 Ongoing work

“Urgent sites” are considered to include sites that are causing actual significant harm to human health and/or pollution of controlled waters used for drinking water. “Urgent sites” may also include sites that would be designated as “special sites” if they were determined as contaminated land. The Council will seek to make arrangements with the EA for the EA to carry out the necessary inspections in this circumstance. Currently there are no sites considered to lie within the urgent category.

After the strategic inspections set out in Section 3.1 above, the majority of sites were removed from the original list of potentially contaminated sites. Whilst no further action is warranted under Part 2A, these sites will remain within the database held by Folkestone & Hythe District Council. This will enable the planning process to identify land potentially affected by contamination which might become relevant if a more sensitive end use is proposed in future (*for example* if a former factory is proposed to be redeveloped as residential housing with gardens). These sites would then be investigated through the planning regime (see Sections 2.10 and 4.7.1) to ensure they are safe and suitable for their future use.

At the date of the last Strategy update in 2017, six sites remained for detailed assessment. Since the last strategy update, the following progress with the strategy has been made:

- Following a detailed desk-based assessment, one site (a former laundry) has been subject to intrusive investigation, laboratory testing of soils and monitoring. Updated risk assessment allowed the site to be removed from the list of potentially contaminated land. No further action is required under Part 2A.
- Another site (a former garage) has been subject to further inspection and desk-based research including correspondence with the County Council Petroleum Officer. The recommendation following this detailed work is for an intrusive site investigation (or detailed inspection) to be carried out.
- Another site (another former garage) has also been subject to further inspection and desk-based research including correspondence with the County Council Petroleum Officer. Given the confirmation of the removal of former fuel tanks, the recommendation following this detailed work is for the site to be removed from the list of potentially contaminated land. No further action is required under Part 2A.

The remaining four “active” sites now form part of a work plan for the local Authority to commence from the publication of this Strategy.

Land specified in the Local Plan

National planning policy is expressed through the *National Planning Policy Framework* and its supporting *Planning Practice Guidance* and is delivered locally by the current local plan.

The *Shepway Core Strategy Local Plan* was adopted as part of the statutory development plan for the district on 18 September 2013. Planning applications have to be decided in line with the development plan, unless there is a very good reason not to do so. A review of the Core Strategy was submitted to the Secretary of State in 2020 for its Examination in Public.

The Core Strategy sets the course for the district, not the detail. It is not just focused on land-use and traditional development; it is about wider spatial planning. This is working together to shape all social, physical and economic aspects of local communities, environments and places, including service provision and infrastructure.

Folkestone & Hythe District Council’s *Places and Policies Local Plan* was adopted in 2020 and forms part of the development plan for the district. This includes policy NE7 which requires assessment of land suspected to be affected by contamination in cases where development is proposed.

Chapter 4 PROCEDURES

Procedures have been drawn up to describe how contaminated land issues will be handled within the Council. This chapter also details the level of service the business community and members of public can expect from the Council in dealing with these issues.

This document deals specifically with how “*Contaminated Land*”, as defined under Part 2A of the Environmental Protection Act, will be identified, assessed and managed.

There will be other “land affected by contamination” in the district which falls outside the Part 2A definition and will be dealt with by other statutory instruments (such as by the planning regime upon redevelopment) as appropriate. For sites under the planning regime, the *National Planning Policy Framework* and associated *Planning Practice Guidance* provide the requirements for the assessment of land affected by contamination. In addition, Environment Agency *Land Contamination Risk Management* published on gov.uk provides technical guidance relevant to both the Part 2A and planning regimes.

4.1 Internal Management Arrangements for Inspection and Identification

Within the Council, the responsibility for the implementation of Part 2A Environmental Protection Act 1990 rests within the Environmental Protection Team. The relevant appropriate officer will report to management accordingly. The appropriate officer will deal with the day-to-day implementation of this strategy and be responsible for drafting remediation notices, subject to consultation with management.

4.2 Considering Local Authority Interests in Land

The Council has a statutory obligation to manage its assets in relation to potential contamination. It also needs to be setting an example to other land owners. As indicated in Section 3, investigation of Council-owned land was carried out alongside the population-based inspection schedule and this land was amongst the first investigated in each area.

4.3 Information Collection

Many sources of information were required to identify potential sources of contamination and potential receptors. Some of the resources are detailed below.

Table 4: Sources of information to identify potential sources of contamination and potential receptors

Resource	District specific	Use
Historic maps	Digital maps purchased from Ordnance Survey or similar	To identify sources of potential contamination
Historic land use database	Landmark digital format working with GIS, identifying potentially contaminative land use	To identify sources of potential contamination
Geological maps	1:50 000 solid and drift geology maps are available from the British Geological Society (Sheet numbers 305 321)	To characterise sources and pathways
Hydrogeological maps	The Groundwater vulnerability maps produced by the Environment Agency and the Soil Survey and Land Research Centre in 1993 will be used to assess the potential for contamination of groundwater (1:100 000)	To identify receptors (controlled waters)

Resource	District specific	Use
Soil maps	A soil map of the Southeast region will be examined from the Soil Survey and Land Research Centre	To characterise sources and pathways
Source Protection Zones	Areas of groundwater that receive special protection by the Environment Agency are identified on the EA. website and can be used with a GIS	To characterise receptors (controlled waters)
Environmental Protection records	The District Council maintains records of complaints and investigations	To identify known information on contamination
Planning records	The District Council holds detailed planning records of development in the area, including information on ground condition presented in surveys.	To identify known information on contamination
Environmental Permits	The Council has maintained a public register containing details of authorised industrial processes in the District since 1990	To identify sources of potential contamination
Waste Management Licences	The Environment Agency maintain a public register of sites licensed for waste management activities and have provided relevant information relating to sites in the District	To identify sources of potential contamination
Information on closed landfill sites	The Environment Agency has provided a register of closed landfill sites. This document is not a public register	To identify sources of potential contamination
The County Archive	The County Archivist may have a number of sources describing land-use in the District essential for researching land uses prior to the end of the Second World War when the Town & Country Planning legislation came into force.	To identify sources of potential contamination

Where a potential pollutant linkage has been identified within the CSM and a Phase 1 Environmental report has been undertaken and identified that further investigation is required, the next stage is:

- To undertake localised targeted sampling;
- To complete a full Phase 2 Site Investigation report;
- Undertake a Remediation Strategy if required.

4.4 Information Management

A GIS (Geographical Information System) is the primary tool used to manage contaminated land information.

The GIS is used to correlate all information and determine the proximity of potential receptors (residents, controlled waters) to sources of contamination.

4.5 Complaints and Voluntary Information Provision

From time to time, the Council may receive an enquiry regarding contaminated land from a member of the public, business or community group. Interested residents may also voluntarily supply information relating to land contamination that is not directly affecting themselves, their families or their property. These enquiries or acts of information provision may impact on the approach to

inspection and so the procedures to be adopted are detailed here.

4.5.1 Complaints and enquiries

An enquiry regarding contaminated land will be dealt with following the same procedure as currently used by the Environmental Protection Team to deal with statutory nuisance complaints.

All reporters may expect:

- their complaint or enquiry to be logged and recorded
- to be contacted by an officer regarding their complaint or enquiry within 48 hours of receipt
- to be kept informed of progress towards resolution of the problem
- every effort will be made to resolve complaints or enquiries quickly and efficiently. The legislative framework does, however, present a number of obstacles to speedy resolution of problems:
 - i. proof of a viable pollutant linkage before any formal determination as contaminated land is permissible, which might only be possible with detailed investigation
 - ii. prior consultation with interested parties before determination as contaminated land
 - iii. a minimum of a three month period between determination and serving of a remediation notice
 - iv. the requirement for the enforcing authority to make every effort to identify the original polluter of the land (or “Class A” person)

The Regulations allow conditions (ii) and (iii) to be waived in extreme cases but not conditions (i) and (iv).

4.5.2 Confidentiality

All reporters will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the reporter will remain confidential. The only circumstance in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and an adverse effect on the reporter’s health was an important reason for the original contaminated land determination.

4.5.3 Voluntary provision of information

If a person or organisation provides information relating to contaminated land that is not directly affecting their own health, the health of their families or their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice.

4.5.4 Anecdotal evidence

Any anecdotal evidence provided to the Council relating to contaminated land will be noted but no determination of contaminated land will occur without robust scientific evidence. In all cases, the relevant officer will use knowledge and experience to decide what, if any, further investigation is required following a complaint or a provision of information.

4.6 Risk Assessment

All information on substances in, on or under the ground that may cause significant harm or pollution of controlled waters will be evaluated against current government guidelines and statistical analysis. In particular the DEFRA Contaminated Land Statutory Guidance and gov.uk *Land Contamination Risk Management* guidance will be followed.

Advice will be sought from the EA on risk assessment if controlled waters are the receptor in a particular pollutant linkage. Risk assessments and remediation will be carried out in accordance with Environment Agency guidance “*Groundwater protection*” published on the gov.uk website.

4.7 Interaction with other Regulatory Regimes

There are other regulatory actions that could be taken to deal with contamination on land. Overlaps with planning, water pollution, Environmental Permitting legislation, Control of Major Accident Hazard Regulations 1999 and Environmental Damage Regulations are considered the most important and are addressed here.

4.7.1 Planning

The vast majority of land contamination issues are currently addressed through the planning regime, where contamination is a material consideration. While the introduction of Part 2A will undoubtedly lead to the problems of additional sites being addressed, it is anticipated that redevelopment of brownfield sites and the associated planning controls will remain the primary mechanism for dealing with land contamination. Any remediation agreed as a planning condition will be dealt with under planning controls and not under Part 2A.

The Environmental Protection Team currently work closely with Planning and Building Control on all issues relating to pollution and the current arrangements for inter-departmental consultation are believed to be sufficiently robust to encompass land contamination issues.

4.7.2 Water pollution

Sections 161 to 161D of the Water Resources Act 1991 gives the EA powers to take action to prevent or remedy pollution to controlled waters. There is overlap with the Part 2A regime and to meet the requirements of the EA’s policy and guidance, the following steps will be taken:

- a) the Council will consult the EA before determining that land is contaminated land as a result of the actual or potential pollution of controlled waters and will take into account any comments the Agency makes with respect to remediation;
- b) the Agency will notify the Council if it identifies any land where actual or potential water pollution is arising, thus enabling the Council to determine the land as contaminated land under Part 2A.

Note: where controlled waters are being, or could be, polluted by land determined to be contaminated land under Part 2A, remedial action will only be taken by the Agency when there are one or more orphan linkages.

4.7.3 Environmental permitting

Environmental Permitting Regulations (England and Wales) were introduced in April 2010 and updated in 2016. Environmental Permitting created one single regulatory system by streamlining

and integrating Waste Management Licensing, Pollution Prevention and Control, Discharge Consenting, Groundwater Authorities, Water Abstraction and Impoundment, Radioactive Substances Regulation and licensing of some waste carrier and brokers. The Regulations provide a single, streamlined, risk-based framework for permitting and compliance. They introduce the possibility of a single permit and regulator for some sites.

The types of industry that operate under Environmental Permits could cause contamination through poor management practice or accidental spills. Different industry sectors will pose different levels of risk. Since these sites are controlled, inspected and monitored by the EA and Local Authority, the risk of future contamination is, however, significantly reduced.

Chapter 5

LIAISON, ENFORCEMENT AND RISK COMMUNICATION

5.1 Communicating with Owners, Occupiers and other Interested Parties

The Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach will be adopted for issues of land contamination, recognising that in many cases as much or more effective remediation can be achieved by agreement than by enforcement. This approach requires effective communication with owners, occupiers and other interested parties. The relevant officer will be the central contact point within the authority on contaminated land issues and as such will attempt to keep owners, occupiers and other interested parties informed at each stage of an investigation, regardless of whether there is a formal determination of contaminated land.

Where a formal determination of contaminated land is required, the following actions will be undertaken:

Determining an area of contaminated land

- Write to the owner and / or the occupier of the land at least 5 working days prior to determination, explaining in summary the reason for determination.
- Write to the owner and / or the occupier explaining the land has been determined as contaminated land and seeking appropriate remediation without service of a notice.
- If requested, dispatch a copy of the written risk assessment to the owner and / or occupier of the land within 5 working days of receipt of a request.
- Write to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of determination.

Serving a remediation notice

- Provide a written remediation notice to the owner / occupier specifying action required.
- Write to the owner / occupier of neighbouring properties and / or the complainant within 5 working days of notice being served.
- Should an urgent determination of contaminated land be required, these steps will be observed as far as practicable although some deviation from the timescales specified is to be expected.

5.2 Powers of Entry

Under Section 108(6) of the Environmental Protection Act 1990, the Council has powers of entry to carry out investigation. At least seven days' notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment.

5.3 Enforcement Action

The Council will need to ensure consistent, fair and transparent practices are used when taking enforcement action in accordance with its current policy.

5.4 Risk Communication

The complex nature of contaminated land issues does not lend themselves to easy explanation to the layperson. Development of effective methods of risk communication is therefore essential.

The Council will treat any concerns raised by a member of the public seriously and with respect, recognising the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barriers to effective risk communication:

- **familiarity** – increased concern about unfamiliar issues
- **control** – increased concern if the individual is unable to exert any control over events
- **proximity in space** – increased concern about nearby events
- **proximity in time** – increased concern about the immediate consequences rather than long term effects
- **scale** – particularly in terms of media coverage, where one large incident appears much worse than several small incidents
- **“dread factor”** – lack of understanding can lead to stress and make further explanation more difficult

These regulations grant only limited powers to local authorities to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their own home. It will be critical to explain this can only be done where this is a risk of significant harm and it is to be expected that some members of the public will have difficulty accepting this.

It is important to appreciate that the expectations of some members of the public will not be met by the powers local authorities may exercise under contaminated land legislation.

Contaminated land can be an emotive issue and it is important that care is given to the way in which the various stakeholders or the general public are informed of risks associated with it.

The Council will apply the principles suggested in the guidance published on communicating risk by the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER).

The approach to communicating contaminated land risks to be followed by Folkestone & Hythe District Council will be open, truthful, involve all relevant parties, and be co-operative and proactive. We will use terminology appropriate for the particular stakeholders.

When contacting stakeholders for the purpose of carrying out further assessment, we will explain the reason why an area of land has been identified as possible contaminated land and the risk based approach underlying our decisions. The outcome of our decision following completed inspection will be communicated to involved parties.

Notwithstanding the above, in order to avoid undue alarm or stress, no proactive communication shall be made with a site owner or occupier, or other stakeholder, unless the desk study shows a strong possibility of a contaminant linkage being present.

5.5 Provision of Information to the Environment Agency

The EA is required, from time to time or at the request of the Secretary of State, to prepare a report on the state of contaminated land in England and Wales. Folkestone & Hythe District Council shall, at the written request of the Environment Agency, furnish them with information on the condition of contaminated land in the district.

The latest Environment Agency summary report is dated 2016 and presents the results of a survey of local authorities regarding contaminated land activity.

The local authority must also provide information to the EA whenever a site is determined as contaminated land and whenever a remediation notice; statement or declaration is issued or agreed. The EA is to provide standard forms allowing this information to be provided in a consistent format and the Council will adopt these to fulfil its reporting requirements.

5.6 The Public Register

It is the duty of the Council to maintain a Public Register of Contaminated Land in connection with Part IIA. This will need to record details regarding the formal regulatory actions on a site determined to be contaminated land. It must be made freely available to the public. Its contents will include the following details:

- Site location including National Grid Reference, address, extent, and plan;
- A risk summary for the site in accordance with the requirements of the statutory guidance;
- A summary of why the Council considers that the requirements of the relevant sections of the statutory guidance have been satisfied.
- The Council will seek to ensure as far as reasonable that all aspects of the record of determination are understandable to non-specialists, including affected members of the public.

In the event that Council owned land is determined to be contaminated land, a notice is not served but a remediation statement is made. An entry to that effect will be made in the register. No other information produced by the implementation of the strategy will be recorded on the register. The data collected as a result of the inspection process does not have any statutory status except when a particular area of land is determined to be contaminated land. As a result it will not automatically appear on responses to searches of the register of local land charges.

The register will be held by the Environmental Protection Team at the Council's principal office at Civic Centre, Castle Hill Avenue, Castle Hill Avenue, Folkestone. It will be electronic (using the GIS) and be accessible on request by members of the public during office hours, Monday to Friday

The Public Register will **not** include details of historic land use and other records used in the investigation of potentially contaminated land. These are research documents and as such will not be made available to the public. Information may also be excluded if its inclusion would be against the interest of national security or the information is commercially confidential.

5.7 Requests for Information

Information built up during the inspection process will form a body of data that will be useful to the Council and other stakeholders for reference to assist with future assessments of land. This may arise for example where planning applications are received for the redevelopment or change of use of sites.

The Environment Agency and other statutory bodies may have a need to see information collated on sites and will be freely provided with it. The Environment Agency has a duty to produce 'State of the Environment' reports that incorporate information supplied about contaminated land. A form of information exchange has been set up with them for this purpose.

Information will be provided for local land charges purposes, following receipt of Form CON29, Enquiries of Local Authorities.

Information from the database that is not confidential may be made available in response to queries about individual sites, as may be required following the Environmental Information Regulations 2004. A reasonable charge is made for the provision of this information.

5.8 Complaints

Environmental Protection has a well-established protocol for dealing with complaints (of any nature), including their logging, acknowledgement, response times and monitoring. When the complaint appears to be about contaminated land then there are a number of possible actions that may follow. This partly depends upon when the complaint is received and how comprehensive is the contaminated land GIS/database. Information received as a result of a complaint may lead to a reassessment of the risk/ranking for the land and/or adjoining land.

All property being considered will be checked against the GIS/database and other information available. If the information leads to a conclusion that significant harm is unlikely then further inspection will be not be undertaken. The complainant will be informed of this.

If information is received with the complaint suggesting that harm is occurring or is likely then the site will be inspected and actions initiated as a matter of urgency. If the harm is affecting the water environment then we will liaise with the Environment Agency and similarly for other environmental receptors overseen by statutory bodies.

Anonymous complaints or anecdotal information will be acted on at the discretion of officers in Environmental Protection.

Chapter 6

REVIEW MECHANISMS

This strategy outlines the initial strategic approach that was taken to investigate potentially contaminated land in the District. The document also sets out the progress and programme for planned detailed inspections of potentially contaminated sites identified by the initial strategic inspection.

This chapter describes instances when inspections will occur outside this general investigation framework, circumstances under which previous investigation decisions should be reviewed and measures to be taken to ensure the strategy remains effective and up-to-date.

6.1 Triggers for Undertaking Investigation

The strategy has already recognised there may be occasions where inspections may have to be carried out outside of the general investigation framework.

Triggers for undertaking non-routine inspection may include:

- **Unplanned events** – e.g. if an incident such as a spill has occurred
- **Introduction of new receptors** – e.g. persistent trespass onto a site
- **Supporting voluntary remediation** – e.g. a potentially liable party wishing to undertake clean-up before their land has been inspected by the local authority
- **Identification** of localised health effects that appear to relate to a particular area of land
- **Responding** to information from other statutory bodies, owners, occupiers, or other interested parties

While these occurrences may trigger non-routine inspections, if this strategy is to prove effective, they must not be allowed to significantly interfere with the milestones laid down in the general inspection framework. This issue has been considered during the current review (September 2021), previous reviews and will be considered in all future strategy reviews.

6.2 Triggers for Reviewing Inspection Decisions

In addition there may be occasions where the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were:

- Significant changes in legislation
- Establishment of significant case law or other precedent
- Revision of guideline values for exposure assessment

It is important therefore that all decisions are made and recorded in a consistent manner that will allow efficient review.

6.3 Reviewing the Strategy

As part of the overall quality management of this work, it is important to consider the need to review the strategy from time to time. The next review is scheduled for 2026 unless an earlier review is prompted by changes in legislation.

Glossary

Brownfield site – A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environment contamination. Only a small proportion of brownfield sites will meet the definition of contaminated land.

CLEA – Contaminated Land Exposure Assessment, a methodology for carrying out a risk assessment.

Contaminated Land – any land which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land, where:

(a) significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) significant pollution of controlled waters is being, or is likely to be caused

Contaminant – A **contaminant** is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor or to cause significant pollution of controlled waters.

Contaminant linkage – The term “contaminant linkage” means the relationship between a contaminant, a pathway and a receptor. All three elements of a contamination linkage must exist in relation to particular land before the land can be considered potentially to be contaminated under Part 2A, including evidence of the actual presence of contaminants. The term “significant contaminant linkage”, as used in the statutory guidance, means a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land. The term “significant contaminant” means the contaminant which forms part of a significant contaminant linkage.

Controlled waters – Are defined by section 104 of the Water Resources Act 1991 as territorial waters...which extend seawards for the three miles...coastal waters, inland freshwaters, that is to say, the waters in any relevant lake or pond or of so much of any relevant river or watercourse as is above the freshwater limit and groundwaters, that is to say, any waters contained in underground strata. The definition of controlled waters is clarified (for the purpose of part 2A of the EPA) in that groundwaters does not include waters contained in underground strata but above the saturation zone (SI 2004/2528).

Cretaceous – geological period and system.

DEFRA – Department for Environment, Food and Rural Affairs

Drinking water abstraction – The taking of water from a source (in this case, primarily an underground source) for drinking. Also known as a potable water abstraction.

EA – Environment Agency

Eco-system – A biological system of interacting organisms and their physical environment.

GIS – Geographical Information System.

Groundwater – Any water contained in underground strata, wells or boreholes and includes any soil water and pore water present in the unsaturated zone.

Pathway – A pathway is a route by which a receptor is or might be affected by a contaminant.

Phase 1 environmental report – is designed to give an overview of the risk of contamination to end-users and the immediate environment. The report includes a walkover survey and a detailed look at the site history and current use/setting.

Phase 2 site investigation / Intrusive investigation – is undertaken to investigate each aspect highlighted by the Phase 1 environmental report. This comprises exploratory holes constructed using the most appropriate method for the site to investigate the local subsurface strata. Site Investigations are designed and implemented, using a variety of intrusive exploratory methods. Chemical analysis of soil and water samples for contaminants is undertaken to establish the concentration and extent of any contamination present. A risk assessment, using the “source-pathway-receptor” model would then be carried out; this assessment may be Semi-Qualitative or Quantitative dependent upon the level of risk.

Principal Aquifer – These are layers of rock or drift deposits that have high inter-granular and/or fracture permeability. This means they usually provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. In most cases, principal aquifers are aquifers previously designated as major aquifer.

RAMSAR site – A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed.

Receptor – A receptor is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.

Remediation – Generally accepted as being the carrying out of works to prevent or minimise effects of contamination.

Risk Assessment – The study of a) the probability, or frequency, of a hazard occurring, and b) the magnitude of the consequences.

Secondary Aquifer – These include a wide range of rock layers or drift deposits with an equally wide range of water permeability and storage.

Source – A substance in, on or under the ground with the ability to cause harm.

Source Protection Zone – Protection zones around certain sources of groundwater used for public water supply and also around certain industrial and private supplies. Within these zones, certain activities and processes are prohibited or restricted.

Special Site – A contaminated land site that is regulated by the Environment Agency and *not* the Local Authority. Includes sites where controlled waters are being affected or where the land involves the MOD estate.

Unproductive Strata – These are rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow.

APPENDIX A

DETAILS OF THOSE CONSULTED IN 2021 STATUTORY CONSULTEES

Natural England
International House
Dover Place Ashford
Kent TN23 1HU
0300 060 3900
enquiries@naturalengland.org.uk

Kent County Council
Invicta House
County Hall
Maidstone
Kent ME14 1XX
03000 41 41 41
county.hall@kent.gov.uk

English Heritage
South East Region
Eastgate Court
195-205 High Street
Guildford
Surrey GU1 3EH
01483 252 000
0370 333 1181
customers@english-heritage.org.uk

DEFRA
Room 141 Nobel
House 17 Smith
Street
London SW1P 3JR
03459 33 55 77
defra.helpline@defra.gsi.gov.uk

Environment Agency
Orchard House
Endeavour Park
London Road
Addington
West Malling Kent
ME19 5SH
01189 535 224
0370 850 6506
enquiries@environment-agency.gov.uk

Food Standard Agency
Contaminants Division
Aviation House
125 Kingsway London
WC2B 6NH
0207 276 8736
helpline@food.gov.uk

APPENDIX B

REFERENCES

Groundwater: Our Hidden Asset, R. A. Downing, NERC (1998).
Waste Management Paper No 27 – Landfill Gas, DOE (1991)
Communicating Understanding of Contaminated Land Risks, SNIFFER (2000)
Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources, Environment Agency R&D Publication 20 (2000).
British Regional Geology, The Wealden District (4th Edition), HMSO 1965
Local Environment Agency Plan (LEAP) Kent Area, Environment Agency (September 1999)
Local Environment Agency Plan (LEAP) Kentish Stour, Environment Agency (March 2000)
Local Environment Agency Plan (LEAP) Eastern Rother (Consultation Draft), Environment Agency (December 1999)
Dealing with contaminated land in England: A review of progress from April 2000 to December 2013 with Part 2A of the Environmental Protection Act 1990, Environment Agency (April 2016)

LEGISLATION AND GUIDANCE

The Environmental Protection Act 1990 HMSO (1990)
The Environment Act 1995, HMSO (1995).
The Contaminated Land (England) Regulations 2000, SI 2000 No.227 HMSO (2000).
The Environmental Protection Act 1990: Part 2A. Contaminated Land Statutory Guidance (2012)
DETR Circular 02/2000, Environmental Protection Act 1990:Part 2A - Contaminated Land, HMSO (March 2000).
Contaminated Land Inspection Strategies, Technical Advice for Local Authorities, DETR (Draft for comment April 2000).
Local Authority Guide to the Application of Part 2A of the Environmental Protection Act 1990, Environment Agency R&D Contract REG/CON-79 Working Draft 01 (2000)
Communicating Understanding of Contaminated Land Risks, SNIFFER Project Number SR97(11)F
Private Water Supply Regulations 2009
Private Water Supplies (England) Regulations 2016
Water Industry Act 1999
Water Resources Act 1991
Gov.uk Land Contamination Risk Management Guidance
(<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>)
Gov.uk Groundwater Protection Guidance
(<https://www.gov.uk/government/collections/groundwater-protection>)

FOLKESTONE AND HYTHE DISTRICT COUNCIL PUBLICATIONS

Folkestone and Hythe District Council Corporate Plan 2021 – 2030
Folkestone and Hythe District Council Water Cycle Study (2018)
Folkestone and Hythe District Council Places and Policies Local Plan (Adopted Sept 2000)
Folkestone and Hythe District Council Heritage Strategy (January 2019)
Kent Minerals and Waste Local Plan 2013 - 2030
Shepway Core Strategy Local Plan 2013-2026
Shepway District Council Corporate Plan 2013 - 2018
Shepway District Council Performance Plan 2001 - 2002
District Local Plan Review (1st Deposit), (July 2000).
A Strategy for the District and Communities of Shepway 2000 - 2005, SHEPWAY (April 2000)
Environmental Audit State of the Environment Report for Shepway
Vol I Water Quality Topic Report

Vol II Air Quality Topic Report
Vol III Waste Management & Recycling Topic Report
Vol IV Noise Pollution Topic Report
Vol V Land-use & Landscape Topic Report
Vol VI Nature Conservation Topic Report
SHEPWAY (March 1992 to September 1994)

APPENDIX C FOLKESTONE & HYTHE CORPORATE AMBITIONS AND GUIDING PRINCIPLES

Folkestone & Hythe District Council has identified their main service priorities and themes as part of their new Corporate Plan for 2021 – 2030. The Council recognises their central role in developing, commissioning and delivering vital services in housing, planning, environmental protection (including this Contaminated Land Strategy), community services and more.

The Council's corporate plan is focused on four service ambitions which are priority areas of action that relate to the key services that the council plans, delivers and commissions. In achieving these service ambitions, the Council will abide by six guiding principles. These service ambitions and guiding principles are set out below.

Service Ambition 1 – Positive community leadership:

- Improve physical and mental health and wellbeing.
- Safer communities.
- Supporting and empowering our communities.

Service Ambition 2 – A thriving environment:

- Ensure an excellent environment for everyone.
- Grow the circular economy and reduce waste.
- Increase our resilience to climate change.

Service Ambition 3 – A vibrant economy:

- Reinvigorate the high streets.
- Support a vibrant and diverse business community.
- Help people access jobs and opportunity.
- Grow the skills we need for the future.

Service Ambition 4 – Quality homes and infrastructure:

- Improve outcomes and support for homeless people.
- Deliver sustainable affordable housing.
- Deliver a safe, accountable housing service.
- Digital inclusion and connectivity.
- Deliver a sustainable new development at Otterpool Park.

Everything the Council does will follow these guiding principles:

- Sustainable recovery: We will do all we can to ensure a strong recovery for the district from the effects of COVID.
- Locally distinctive: We will protect the special distinctive and diverse nature of our district – working with our key partners to enhance it.
- Greener Folkestone & Hythe: We will encourage and create a more sustainable district consuming fewer natural resources.
- Transparent, stable, accountable and accessible: We will be financially sustainable and communicate effectively with our communities in an accessible way.
- Working effectively with partners: We will engage with partners to understand the vital role they play and work collaboratively with them to ensure the best outcomes for our residents.
- Continuous improvement: We will embed a culture of continuous improvement, seeking feedback and being creative to find new ways to deliver services.

This report will be published
on 7 December 2021

Agenda Item 8

**Folkestone
& Hythe**



District Council

Report Number **C/21/57**

To: Cabinet
Date: 15 December 2021
Status: Non - Key Decision
Responsible Officer: Alastair Clifford – Chief Officer - Operations

Cabinet Member: Councillor John Collier, Cabinet Member for Property Management and Grounds Maintenance

SUBJECT: Hythe Town Council's Grounds Maintenance Contract

SUMMARY:

This report gives an overview of Hythe Town Council's Grounds Maintenance Contract and seeks permission to submit a tender for this work, and if successful enter into contract for the 5 year period.

Reasons for Recommendations:

The Council currently undertakes the grounds maintenance contract on behalf of Hythe Town Council. The contract works well within the teams operating area and specialties providing a small surplus that helps to offset the labour and revenue costs of the Council's grounds maintenance service.

Recommendations:

- 1) To receive and note report C/21/57.
- 2) To approve that Officers submit a tender for the contract as per the detail set out in the report.
- 3) To approve that delegated authority is provided to the Director of Housing and Operations to enter into contract if our bid is successful and conclude the contractual arrangements.

1. BACKGROUND

- 1.1 The Council has been providing the grounds maintenance services contract for Hythe Town Council (HTC) since 1st April 2017. The contract sits well within the grounds maintenance team's geographical operating areas and specialties and has operated successfully over the contract term helping to offset the Council's revenue costs.
- 1.2 The current contract was awarded for 1 year with a possible extension of up to another 4 years. FHDC has been successful in maintaining this contract for the entire 5 year contract period. The current contract runs out on the 31st March 2022.
- 1.3 The current contract looks after the grounds maintenance of 11 sites in Hythe; Oaklands, The Green, Wakefield Allotments, South Road Rec, Queens Grove, Sanford House, Shepway Cross, Horn Street, Eaton Lands, Palmarsh Rec and the Skateboard Park.
- 1.4 The current contract consists of routine grounds maintenance functions including; grass cutting, flower / shrub / rose bed maintenance, hedge cutting, sports pitch maintenance, play area inspections and repair and attendance duties.
- 1.5 One member of staff transferred to FHDC and was added to FHDC's permanent structure to support this contract under TUPE regulations. At the time the contract was costed on the basis of top of [REDACTED] (with on-costs and pension).
- 1.6 The contract price submitted by FHDC in 2017 was [REDACTED] increase each year. The costs allowed for when preparing the bid are as follows:

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

2. 2022-2027 Tender

- 2.1 The council has been invited to Tender for the contract period of 2022-2027 with a break clause after 3 years.
- 2.2 The contract is as before plus the addition of the 3 proposed transferred play areas. Palmarsh (St George's Place Play Area) (LEAP, SIPA), Peregrine Close (LAP, NSPA) and Reachfields (LEAP, NSPA).
- 2.3 The proposed tender sum continues with the current pricing schedule, of a [REDACTED] increase year on year, along with an additional cost allowed for the works associated with the three additional sites.
- 2.4 The tender sum that will form the basis of the Council's bid will be as follows (subject to living wage rises);

[REDACTED]
[REDACTED]



2.5 The contract cost is detailed as below; (for the year 22/23).

2.6 If the Council is unsuccessful with its bid there will be TUPE implications for the one employee who transferred into the Council as part of the last contract award. FHDC's HR team and HTC are working through the implications of this.

3. CONCLUSION

3.1 The Council has operated the HTC grounds maintenance contract successfully for five years. The works fit well with the Council's own grounds maintenance operations and provides a seamless service to our residents in this part of the District. The contract generates a small surplus which helps to offset the revenue costs associated with the Council's own grounds maintenance services.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officers Comments (NE)

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

4.2 Finance Officers Comments (RH)

The current base budget includes income for the Hythe Town Council's Grounds Maintenance Contract [REDACTED]. If the contract is not continued, the base budget would to be amended from 22/23 for the loss of income.

4.3 Diversities and Equalities Implications (GE)

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

4.4 Climate Change Implications (OF)

There are no climate change 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 officer prior to the meeting

(Alastair Clifford – Chief Officer - Operations)

Telephone: 01303 853327

Email: Alastair.clifford@folkestone-hythe.gov.uk

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

None

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

Document is Restricted

This page is intentionally left blank