



# Agenda

Meeting: **Overview and Scrutiny Committee**  
Date: **27 May 2025**  
Time: **6.00 pm**  
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Overview and Scrutiny Committee**

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

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chair or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Please note there will be 37 seats available for members of the public, which will be allocated on a first come, first served basis.

1. **Election of Chair**
2. **Election of Vice Chair**
3. **Apologies for Absence**
4. **Declarations of Interest (Pages 5 - 6)**

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

## **Queries about the agenda? Need a different format?**

Contact Jake Hamilton – Tel:  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
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- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

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

To consider and approve, as a correct record, the minutes of the meeting held on 22 April 2025.

6. **Appointment of members and election of Chair to the Finance and Performance Scrutiny Sub-Committee**

The Sub-Committee is required to be politically balanced. The balance figures are shown below.

	Total	Conservative	Green	L
Finance & Performance Sub-Cttee	5	1	2	

The following nominations have been received:

Conservative	Alan Martin
Green	John Wing
Green	Rich Holgate
Labour	Bridget Chapman
Labour	Laura Davison

Members are asked to:

1. Agree the membership; and,
2. Elect a Chair of the Finance and Performance Scrutiny Sub-Committee for the municipal year 2025/26.

Please note, the Chair must be a member of the Finance and Performance Scrutiny Sub-Committee.

7. **Cabinet Member updates**

In accordance with the Constitution Councillor, Gary Fuller the Cabinet Member for Resident Engagement and Accountability will be present to provide the Committee with his cabinet member update.

8. **New Dog Control Public Spaces Protection Order - Public Consultation (Pages 15 - 34)**

The current Dog Control Public Space Protection Order (PSPO) expires at the end of July 2025. A new draft order has been prepared, largely a continuation of the current restrictions. The new draft order has been published for public consultation. At the end of the consultation period, the

responses will be reviewed before a final draft order is presented to Cabinet for approval.

The purpose of this report is to give the Overview and Scrutiny Committee the opportunity to give any feedback to be included in the consultation.

9. **Folca 1 - Update and Proposed Disposal Strategy (Pages 35 - 44)**

Members will receive a presentation outlining the outcome of an assessment of options for the Folca 1 building in Folkestone town centre.

Members are asked for their views on the proposal ahead of this being considered by Cabinet.

10. **Folca 2 - Update and Business Case (Pages 45 - 66)**

Members will receive a presentation on the business case for the redevelopment of the Folca 2 building in Folkestone town centre.

Members are asked for their views on the proposal ahead of this being considered by Cabinet.

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## **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.

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# Minutes

## Overview and Scrutiny Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 22 April 2025
Present	Councillors Abena Akuffo-Kelly, James Butcher, Bridget Chapman, Laura Davison (Chair), Anthony Hills, Anita Jones, Alan Martin, Elaine Martin, Paul Thomas (In place of Connor McConville) and John Wing (Vice-Chair)
Apologies for Absence	Councillor Connor McConville
Officers Present:	Alex Baker (Committee Services Officer), Scott Butler (Community Safety Specialist), Gavin Edwards (Senior Performance Officer), Ewan Green (Director of Strategy and Resources), Llywelyn Lloyd (Chief Planning Officer), Andrew Rush (Chief Officer Regulatory and Community Services) and Adrian Tofts (Strategy and Policy Manager)
Others Present:	Councillor Adrian Lockwood

### 44. **Declarations of Interest**

There were no declarations of interest.

### 45. **Minutes**

The minutes of the meetings held on 18 February and 11 March 2025 were approved as a correct record.

Proposed by Councillor Butcher  
Seconded by Councillor Chapman

### 46. **Minutes of the Finance and Performance Sub-Committee**

The minutes of the meeting held on 11 March 2025 were approved as a correct record.

Proposed by Councillor Martin

Seconded by Councillor Wing

#### 47. **Transparency of the Planning Process**

This report set out how the Council supports and encourages public participation in the planning process and the steps already taken to ensure the process is transparent and that Members are kept abreast of relevant planning issues in their ward and across the district.

Llywelyn Lloyd - Chief Officer, Planning and Building Control, and Adrian Tofts - Strategy & Policy Manager, introduced the item and outlined the report.

Following the above introduction, members raised several points, including:

- The Planning & Licensing Committee members receive continuous training, which is really helpful, as is receiving weekly updates on new planning applications, which are used by Town & Parish councils to provide feedback. Another positive is receiving regular updates on appeal decisions, so we can learn as a committee, but also to help public understanding.
- The report doesn't reference changes made to the online public register, which may have made it more difficult to view documents and could put people off. Some files have generic names, making it hard to find what you're looking for, and files have to be downloaded in order to view them. As Members we are also challenged on non-completion of conditions and these are not always followed up on. The Chief Officer for Planning and Building Control advised that the download of files was to limit the amounts of clicks a user had to make to load a document, and that compliance with planning conditions is the responsibility of the individual applicants, rather than the planning authority.
- How do we tell if we have a transparent system, and are measures taken having the desired result? The website could be more straightforward when it comes to understanding basic principles, for example Dover District Council provide significant updates via a newsletter.
- Public perception is a challenge and we need more simple forms of transparency. A layered approach could be helpful with matters such as S106 contributions. Some constituents struggle to use a computer and we have to work on as many levels as we can to support them, including using Town and Parish councils.
- The legislation and the work being done is not always connecting with the public, for example people don't always understand matters of delegated powers and it is important to educate them. The Chief Officer for Planning and Building Control acknowledged the points made, advising that many of the issues highlighted come down to communication and training. Training and engagement via Planning Forums is designed to assist Members in communicating with the public. Work on a newsletter has been taking place in the background to update people on larger projects, as well as where FHDC & Town/Parish

councils are deploying CIL money. Regarding S106 money, a table is included in the committee reports detailing the contributions that will be sought and what they will secure. Most of what FHDC receive are CIL contributions rather than S106 money. The newsletter will be a way of briefing people, as well as highlighting service delivery such as upgrades to parks and the road network. Members are encouraged to approach the Planning team if they have any questions.

- The newsletter would be really helpful to educate people and put a positive spin on development, but we need to think about how we reach people who aren't online.
- Communication is the area to focus on. People aren't always engaged in the planning process until they're affected.
- Engagement with Town & Parish councils is key.
- It is important to explain the decision-making process to people, who for example may not be clear on the difference between the Secretary of State's role and that of FHDC.

Proposed by Councillor Hills  
Seconded by Councillor Chapman; and,

**Resolved:**

**1. To receive and note report OS/24/18.**

(Voting: 10 For, 0 Against, 0 Abstentions)

**48. Equality and Diversity Policy (2025-29)**

This report presented the draft Equality and Diversity Policy for 2025-29 due for consideration by Cabinet on 21<sup>st</sup> May 2025. The existing Policy covered the period 2021-25 and therefore a refresh was required. The duties with regard to equality and diversity have not changed and therefore the proposed changes to the Policy are minor. The aim of the Equality and Diversity Policy remains the same; to ensure everyone has the right to be treated fairly at work or when using the council's services. The policy once considered by Cabinet will also require final approval by Full Council as part of council's policy framework set out in the constitution.

Gavin Edwards, Senior Performance Officer, introduced the report to the Committee.

Following the above introduction, members raised several points, including:

- How should the objectives be implemented and monitored? The Senior Performance Officer advised that currently an Equality and Diversity report is presented to Members of the Cabinet on an annual basis, which covers a wide range of demographic data. A year-on-year progress summary of the objectives is also included. As the current policy has

reached the end of its four-year period, Members are now being asked for their thoughts around possible new objectives and how those can be monitored.

- How will you incorporate the recent Supreme Court decision around transgender people into the report? How will intersectionality be addressed, where people have multiple protected characteristics? A crucial part of the DAHA (Domestic Abuse Housing Alliance) accreditation revolves around anti-racism and intersectionality training. The Senior Performance Officer advised the policy is reasonably high level, but he is aware of the recent Supreme Court ruling which was announced after the report was published. He has looked at the statement from the Chairwoman of the Equalities and Human Rights Commission, who are looking at the outcome of the appeal and seeking to incorporate the additional implications of this judgement. The ECHR will also continue to exercise its statutory duty to enforce the Equality Act 2010 and ensure protection for all protected characteristics. Their website confirms that the guidance is being reviewed. Regarding the question on intersectionality, the Senior Performance Officer advised he would look into this further. Updates on DAHA are received through the internal officer Corporate Governance Board and reported to Members as required.
- What sort of training is given to council staff regarding Equality & Diversity? The Senior Performance Officer advised that all staff are required to complete mandatory Equality & Diversity training on a regular basis.
- 5-10% of people don't have access to online services. In the new Customer Access Strategy, are we going to look at digital isolation? We need to look at services we used to offer, and see whether some of those could be brought back.
- Paragraph 4.5 of the report mentions being resilient to climate change, but does not reference 'adapting' to climate change, which is important as areas of the District are at risk in the longer term.
- Providing everyone with equal access to council services is a great intention, but is that actually happening?
- In response to points made, the Director of Strategy and Resources confirmed a new Customer Access Strategy is being developed, and under no circumstances is anyone excluded because they can't get online. The new Customer Access Strategy is out for engagement through a number of routes including focus groups, and those points will be fed back. The strategy will be subject to an equalities impact assessment.
- An example was raised of a customer asking about their recycling & waste collection date as they did not have online access, they were sent a letter with the previous year's dates and encouraged to go online. We need to think more carefully about communications and the Council magazine used to be a good method of doing this. Is this something we could involve the youth forum in? They might have a different take on this and their input would be interesting.

- Where does the progress update report go? The Senior Performance Officer advised this forms part of the wider report that goes back to Cabinet.
- Could there be additional progress monitoring and potentially reports to other committees such as Audit & Governance? The Senior Performance Officer advised that part of this will be linked to the corporate action plan which is being developed, and there will be progress updates through appropriate committees once the plan is adopted, as well as through the annual Equality & Diversity report, but further suggestions are also welcomed.

Proposed by Councillor Elaine Martin  
Seconded by Councillor Thomas; and,

**Resolved:**

- 1. To receive and note report C/24/93; and,**
- 2. To consider and feedback on how the equality objectives set out as part of the policy on pages 10 and 11 of appendix 2 are implemented and monitored.**

(Voting: 10 For, 0 Against, 0 Abstentions)

**49. New Anti-Social Behaviour Public Spaces Protection Order**

The current Anti-Social Behaviour (ASB) Public Spaces Protection Order (PSPO) is due to expire on 20 June 2025. A proposed new ASB PSPO is in the process of public consultation. The new ASB PSPO is largely based on the current order.

The purpose of this report was to provide a summary of the ASB PSPO and an opportunity for Overview and Scrutiny Committee to give feedback to be considered in the public consultation exercise. The public consultation ends on 18 May 2025.

Scott Butler, Senior Community Safety Officer, introduced the report to the Committee.

Following the above introduction, members raised several points, including:

- Is there any data to show the impact of the previous order? What kind of feedback have we had from the public?
- At the recent meeting of Full Council there was a public question regarding parking of RVs in Metropole Road, which raises a wider question regarding overnight parking. Within the maps, there are very well-defined areas where aspects of the PSPO apply, but it's not obvious to residents and this is where signage is important. Coast Road in New Romney is often frequented by RVs, and there are signs regarding fly-

tipping, but not overnight parking. We need to look at whether we are being consistent.

- How do we know how successful the program has been?
- In response to the above points, Andrew Rush, Chief Officer for Regulatory & Community Services, advised that the report contains commentary explaining the historic background of the PSPOs. Feedback is received at different times, and the topic of campervan parking is a growing issue. Another example is substances such as drugs and legal highs, where feedback can change depending on trends. The commentary seeks to capture the fluidity of public concerns over a three-year period and bring it together into the Public Space Protection Order. It is difficult to say whether specific issues would return if removed from the Order. Consistency is important and signage needs to cover what has been banned in an area. The effect of the PSPOs is shown by the absence of anti-social behaviour, and the quick turnaround of enforcement if it should occur. There are two main ways of monitoring. The first is the statistics in terms of Fixed Penalty Notices issued, which are reported to the Finance and Scrutiny Committee, and the second is the annual Crime and Disorder meeting of the Overview and Scrutiny Committee where the CSP and PSPO are reviewed. It's important that this is seen in the context of a combined effort on tackling anti-social behaviour.
- It would be interesting to know the process for choosing locations, are there any new locations, and were any turned down? Why are certain activities banned in some areas and not others? The Senior Community Safety Officer advised that restrictions have to be data-led, if there have been no complaints of a specific activity it is difficult to justify enforcement. The area of restrictions in Hythe has been extended, including south of the canal, due to issues resulting from overnight camping, but restrictions linked to that activity have also been extended such as spitting, urination and defecation and also alcohol and drugs use. Other areas were considered, but there was not enough justification to enforce restrictions in those areas.

Proposed by Councillor Akuffo-Kelly  
Seconded by Councillor Alan Martin; and,

**Resolved:**

- 1. To receive and note report OS/24/26; and,**
- 2. To provide any comments and feedback on the proposed new 'Anti-Social Behaviour Public Spaces Protection Order' to be considered in the public consultation exercise (appendix 1).**

(Voting: 10 For, 0 Against, 0 Abstentions)

50. **Overview and Scrutiny Committee Work Programme 2025/26**

This report set out a proposed work programme for Overview and Scrutiny work for the municipal year 25/26.

Councillor Laura Davison, Chair of the Overview and Scrutiny Committee, introduced the report.

Following the above introduction, members raised several points, including:

- When looking at the criteria, we should be reflecting our residents' concerns. The risk of successful delivery is difficult.
- We need to consider things that are not of high financial value, but are good for culture, the environment, or mental health. It was difficult to score aspects of the plan such as play areas and parking permits due to this. There are other criteria that may be added such as community interest or cultural value.
- We need to ensure we're reflecting what is important to the people we represent.
- It's difficult to argue with the prioritisation. Collectively, the plan gives a pretty good directional view. Last year we had a Task and Finish group for Otterpool Park, will that continue? The Director of Strategy and Resources advised this will be brought back before the Overview and Scrutiny Committee when there is an update to be provided.
- Should we include a 'wild card' that we all collectively agree should be included? Councillor Davison advised that the plan remains flexible in terms of items that might come up throughout the year, although the Committee have expressed mixed views regarding the criteria. The Director of Strategy and Resources added that the matter of scoring and criteria can be taken away for future consideration, and he will look at whether any of the reserve items can be incorporated throughout the year.
- It didn't seem there was a process for testing the understanding of questions before they were answered by officers. When we discuss something, do we feel the topic has been scrutinised or is it just ticked off? Do we ever hear back about the things that are taken away? Councillor Davison advised that when the Committee first had the plan, Members were invited to provide feedback via a shared document regarding what they wanted to get out of each session. There may be value in revisiting topics before they come to Committee via reports. Councillor Davison thanked Committee Services for their work in following up certain matters. Structured pre-meetings have also been helpful, but there is room for improvement in terms of how any follow-up is fed back to the Committee.

Proposed by Councillor Chapman  
Seconded by Councillor Akuffo-Kelly; and,

**Resolved:**

- 1. To receive and note report OS/24/14;**
- 2. To adopt and implement the Scrutiny work programme, set out in paragraph 1.3 of the report, for the municipal year 25/26; and,**
- 3. To note paragraph 1.4 of the report.**
- 4. To review the scoring and weighting of criteria over the coming year.**

(Voting: 10 For, 0 Against, 0 Abstentions)

**51. Overview and Scrutiny Committee Annual Report 2024/25**

This report set out the work that the Overview and Scrutiny Committee and the Finance and Performance Scrutiny Sub-Committee have completed during 2024/2025.

Councillor Laura Davison, Chair of the Overview and Scrutiny Committee, introduced the report and thanked Members, officers and guests for their contributions throughout the year.

Following the above introduction, members made several points, including:

- Thank you to you and Councillor Wing (Vice-Chair) for the way you manage the meetings and for everything you do.
- Does the report list who is on the Committee and their party? Councillor Davison advised it is referred to in individual items, and the Council website provides details of committee membership.
- It would be nice for the report to include photos of other parts of the District.

Proposed by Councillor Akuffo-Kelly  
Seconded by Councillor Elaine Martin; and,

**Resolved:**

- 1. To receive and note report OS/24/15; and,**
- 2. To receive and note the Annual report of the Overview and Scrutiny Committee 2024/25 (appendix 1).**

(Voting: 10 For, 0 Against, 0 Abstentions)

This Report will be made public on Friday 16 May 2025



Report Number: **OS/25/01**

**To:** Overview & Scrutiny Committee  
**Date:** 27 May 2025  
**Status:** Non-Key Decision  
**Responsible Officer:** Andy Blazkowicz, Director of Housing & Operations  
**Cabinet Member:** Cllr Polly Blakemore, Cabinet Member for Transportation, Regulatory Services & Building Control

**SUBJECT:** NEW DOG CONTROL PUBLIC SPACES PROTECTION ORDER – PUBLIC CONSULTATION

**SUMMARY:** The current Dog Control Public Space Protection Order (PSPO) expires at the end of July 2025. A new draft order has been prepared, largely a continuation of the current restrictions. The new draft order has been published for public consultation. At the end of the consultation period, the responses will be reviewed before a final draft order is presented to Cabinet for approval.

The purpose of this report is to give the Overview and Scrutiny Committee the opportunity to give any feedback to be included in the consultation.

**RECOMMENDATIONS:**

1. To receive and note report OS/25/01; and,
2. To provide any comments and feedback on the new 'Dog Control Public Spaces Protection Order' to be included in the public consultation exercise.

## **1. BACKGROUND**

- 1.1. The district has over several years applied restrictions on dogs and their owners in public spaces. Originally these were restrictions under various local byelaws, then Dog Control Orders under the Clean Neighbourhoods and Environmental Act 2005 and latterly through Dog Control Public Spaces Protection Orders (PSPO) made under the Anti-Social Behaviour, Crime and Police Act 2014.
- 1.2. The current Dog Control PSPO came into force on 1 August 2022. The PSPO was for a three-year period and replaced an earlier order first introduced in 2018.

Link to the current Dog Control PSPO -

[HTTPS://WWW.FOLKESTONE-HYTHE.GOV.UK/DOWNLOADS/FILE/938/DOG-CONTROL-PSPO-2022-2025](https://www.folkestone-hythe.gov.uk/downloads/file/938/dog-control-pspo-2022-2025)

- 1.3. Public Spaces Protection Orders are designed to deal with a particular nuisance or anti-social behaviour that is detrimental to the local community's quality of life and enjoyment of a public space. This is done by imposing conditions on the use of that area which apply to everyone.
- 1.4. The Dog Control PSPO imposes restrictions that can be generally summarised as:
  - Dog fouling - district wide
  - Dogs on leads - selected parks and open spaces, cemeteries
  - Dogs banned - children's play areas, selected seasonal beaches and other specific areas
- 1.5. Failure to comply with the PSPO will result in a Fixed Penalty Notice (FPN) being issued to the person committing the offence (i.e. in control of the dog at the time). A FPN allows the person who has committed the offence, to discharge their liability for that offence without the need for prosecution. The Fixed Penalty Notice is £100, payable to the local authority within 14 days of the date of issue. Failure to pay the FPN within the agreed timescale can result in a court prosecution and fine of up to £1000.
- 1.6. FPNs can only be issued by an authorised person (which includes designated Local Authority Officers, Police Constables and PCSOs)

## **2. REVIEW OF THE CURRENT DOG CONTROL PSPO**

- 1.1. Local authorities when renewing their public space protection orders are required to review the effectiveness and necessity for their proposed restrictions. The council receives regular comments/complaints about dog fouling. These come from many different sources e.g. sports teams, resident groups, social media, feedback from council services e.g. Grounds Maintenance.

- 1.2. The following table shows the number of FPNs issued under the current Dog Control PSPO since 2022:

<b>PSPO Offence</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025 YTD</b>
Dogs Banned	0	5	1	0
Dogs off leads	16	44	31	19
Dogs on beach during restricted dates	7	14	1	N/A
Dog Fouling	2	13	9	1
<b>Total</b>	<b>25</b>	<b>76</b>	<b>42</b>	<b>20</b>

- 1.3. The Dog Control PSPO continues to respond to public concerns about dog fouling and remains the most effective legal means to put restrictions in place.

### **3. PROPOSED NEW DOG CONTROL PSPO**

- 1.1. It is acknowledged that the Dog Control Public Spaces Protection Order places restrictions on all dog owners including those who act responsibly. We received extensive comments back to the public consultation on the present PSPO, which led to several revisions of that order. **The proposed new Dog Control PSPO largely replicates the restrictions of the current PSPO.** This is for the following reasons.

- Whilst public concern about dog fouling continues, we do not think there is strong support in favour of extensive new restrictions being introduced.
- A continuation of the current restrictions builds on existing public awareness of when and where restrictions apply. It is intended that public information and education campaigns continue to promote awareness of restrictions and encourage responsible dog ownership.
- Restrictions need to be practical in terms of enforcement.

- 1.2. In the new Dog Control PSPO the district wide restriction related to dog fouling will continue.

- 1.3. The other restrictions related to dogs on leads and dog bans are listed in the Appendix below by location and restriction.

- 1.4. The council will also publish an interactive map on its website as part of the consultation process.

### **4. PUBLIC CONSULTATION**

- 4.1. The six-week period of public consultation started on **14 May 2025** and ends on **25 June 2025**.

- 4.2. The consultation has been publicised through the council's website and social media as well to the statutory consultees listed below who will be directly contacted. In addition, the council has published a notice of its

intention to make a new Dog Control PSPO in a local newspaper, which covers the whole district.

4.3. Under Section 72 of Anti-Social Behaviour Act 2014, before introducing a PSPO, the council is also required consult with the following: –

- Chief Officer of the Police
- Local Policing Body
- Police Crime Commissioner
- Community representatives (e.g. Town & Parish Councils) and owners/occupiers of land covered within the Order.

4.4. These consultees have been contacted directly.

## 5. NEXT STEPS

5.1. At the end of the consultation period, the comments will be summarised for review and any further amendments made. The final version of the Dog Control PSPO will then be submitted for approval by Cabinet at the meeting in July.

## 6. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
The council does not renew the Dog PSPO and loses the means to enforce dog-related ASB in the district.	High	Low	Renewed PSPO

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

### 7.1 Legal Officer’s Comments (TH)

5.1.1 A local authority may make a PSPO under section 59 of the Anti-social behaviour, Crime & Policing Act 2014 (“the 2014 Act”) if satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

5.1.2 The PSPO may prohibit specified things from being done in the area(s) to which it applies, or may require specified things to be done by persons carrying on activities in the area, or both.

5.1.3 The statutory guidance provides that *the council should give due regard to issues of proportionality: is the restriction proposed proportionate to the specific harm or nuisance that is being caused? Councils should ensure that the restrictions being introduced are reasonable and will prevent or reduce the detrimental effect continuing, occurring or recurring. In addition, councils should ensure that the Order is appropriately worded so that it targets the specific behaviour or activity that is causing nuisance or harm and thereby having a detrimental impact on others' quality of life.*

5.1.4 The council is also obliged to have particular regard to articles 10 (freedom of expression) and 11 (freedom of assembly) of the Human Rights Act 1998. However, these are qualified rights and can lawfully be restricted or limited where this is a necessary and proportionate means of achieving a legitimate aim, including public safety and the prevention of crime and disorder.

5.1.5 In making of the PSPO the council must carry out the necessary consultation, publication and notification as prescribed at section 72 of the Act and The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

5.1.6 The validity of a PSPO can be challenged by an application to the High Court by an 'interested person' living in, working in or regularly visiting the area. The grounds for such a challenge can be:

- (a) that the local authority did not have power to make the order, or to include particular prohibitions or requirements imposed by the order; or
- (b) that a requirement under the statute was not complied with.

Any such challenge must be brought within six weeks beginning with the date on which the order is made.

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

There are no financial implications arising from this report.

## **7.3 Diversities and Equalities Implications**

The Dog Control PSPO exempts dogs and owners in the following categories.

- a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or
- b) Is deaf in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in

respect of a dog trained by a prescribed charity and upon which he relies for assistance.

#### **7.4 Climate Change Implications (SB)**

There are no climate change implications arising from this report.

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

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

Scott Butler  
Senior Community Safety Officer

Office: 01303 853376  
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The following background documents have been relied upon in the preparation of this report:

Appendix 1 – Draft Folkestone & Hythe District Council, Dog Control Public Spaces Protection Order 2025

Appendix 2 – List of Restricted Areas

Appendix 3 – Document of revised areas for new Public Space Protection Order

Existing PSPO: <https://www.folkestone-hythe.gov.uk/downloads/file/938/dog-control-pspo-2022-2025>

Folkestone & Hythe District Council  
**Dog Control Public Spaces Protection Order 2025**

Anti-social Behaviour, Crime and Policing Act 2014

Folkestone & Hythe District Council (the “Council”) makes this Public Spaces Protection Order (the “Order”) in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the “Act”).

This Order may be cited as:

**‘Folkestone & Hythe District Council,  
Dog Control Public Spaces Protection Order 2025’**

The Council is satisfied on reasonable grounds that the activities described below (the “Activities”) carried out in a public place within its area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and that the effect of the ‘Activities’ -

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable, and
- Justifies the restrictions imposed by the Order.

This Order applies to any land to which the public has access within the entire district.

This Order comes into force on the **1 August 2025** for a period of 3 years

For the purpose of this article a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**The Activities which are prohibited or required by this Order are:**

1. A person in charge of a dog shall be guilty of an offence if, at any time (during the time specified in the schedule if stated) they take the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies.
2. A person in charge of a dog shall be guilty of an offence if, at any time (during the time specified in the schedule if stated) on any land to which this Order applies they do not keep the dog on a lead.
3. A person in charge of a dog, shall be guilty of an offence if they allow a dog to foul and do not pick the fouling up forthwith.

# APPENDIX 1

## Exemptions

This provision does not apply to a person who:

- a. Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or
- b. Is deaf in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c. Has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance
- d. Has a reasonable excuse for failing to do so,
- e. Has the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

Offence of failing to comply with the Order:

1. Section 67 of the Act provides that it is an offence for a person without reasonable excuse-
  - a. To do anything that the person is prohibited from doing by the Order; or
  - b. To fail to comply with a requirement to which the person is subject under the Order

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

2. In accordance with Section 68 of the Act, an Authorised Person may issue a Fixed Penalty Notice up to £100 to a person they have reason to believe has committed an offence under Section 63 or Section 67. An Authorised Person means a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

The Common Seal of the  
District Council of  
Folkestone & Hythe was  
Affixed in the presence of:

Authorised

Signatory..... Date.....

This order applies to all land as described within the district of Folkestone and Hythe as defined in the approved schedules below.

## APPENDIX 2

### Dogs Banned Restriction

#### Children's play areas

UPRN	Location	Ward
50114566	Coniston Road	Broadmead
50117669	Radnor Park Avenue (Radnor Park Lower enclosed play area)	Broadmead
50103259	Radnor Park Road (Radnor Park enclosed play area)	Broadmead
50250595	Aldridge Road (The Stadium)	Cheriton
50122007	Firs Lane	Cheriton
50121362	Mackenzie Drive	Cheriton
50128421	Morehall Recreation Ground	Cheriton
50119778	Naseby Avenue	Cheriton
50115309	North Road (Le Quesne)	Cheriton
50122008	Pine Way	Cheriton
50116043	Roman Way	Cheriton
50110495	Stanley Road (Cheriton Recreation Ground enclosed play area)	Cheriton
50048432	Brabner Close	East Folkestone
50114602	Canterbury Road (Canterbury Road Recreation Ground)	East Folkestone
50042713	Downs Road	East Folkestone
50042134	George Gurr Crescent	East Folkestone
50106836	Lower Leas Coastal Park	Folkestone Central
50047345	Folly Road	Folkestone Harbour
50120447	The Warren Play park (Jocks Pitch play area)	Folkestone Harbour
50114621	Princes Parade (Seapoint)	Hythe
50114632	Hythe Green (enclosed play area)	Hythe
50100772	Turnpike Hill	Hythe
50116028	Lyell Close	Hythe
50250617	Lympne Village Hall play area	Hythe Rural
50122169	Manor Farm Close, Lympne	Hythe Rural
50122159	Peregrine Close	Hythe Rural
50103953	St Georges Place	Hythe Rural
50117660	Daglish Close	New Romney
50106006	Fairfield Recreation Ground, Rolfe Lane - New Romney	New Romney
50103954	Littlestone Green (enclosed play area)	New Romney
50117659	Station Road	New Romney
50128424	Atkinson Road, Hawkinge	North Downs East
50128423	Campbell Road, Hawkinge	North Downs East
50128410	Densole Way, Swingfield	North Downs East
50128412	Grebe Close, Hawkinge	North Downs East
50115781	Heron Forstal Avenue, Hawkinge	North Downs East
50250615	Kettle Drive / Winter Drive, Hawkinge	North Downs East
50104271	Millfield, Hawkinge	North Downs East
50128415	Mount Pleasant Close, Lyminge	North Downs East
50116517	Proctor Walk Play area, Hawkinge	North Downs East
50128416	St Lukes Walk, Hawkinge	North Downs East
50106442	Stombers Lane, Hawkinge	North Downs East
50128425	Wicker Walk, Hawkinge	North Downs East
50250618	Church Road (Tayne Field), Lyminge	North Downs West
50035039	Harvest Way, Hawkinge	North Downs West
50014113	Postling Village Hall play area	North Downs West
50250616	Rhodes Minnis Recreation Ground play area	North Downs West
50128411	St Marys Close (Meridian Walk), Etchinghill	North Downs West
50117667	Burmarsh Recreation Ground play area, Burmarsh	Romney Marsh
50116082	Country's Field, Dymchurch	Romney Marsh
50116041	Dymchurch Recreation Ground (enclosed play area)	Romney Marsh
50120972	Meadsway, St Mary's Bay	Romney Marsh
50118029	Oak Drive, St Mary's Bay	Romney Marsh
50117022	Salbris Close, Dymchurch	Romney Marsh
50117655	Fremantle Road, Sandgate	Sandgate & West Folkestone
50107886	Sandgate Recreation Ground (enclosed sports areas)	Sandgate & West Folkestone
50110157	Elmfields, Old Romney	Walland & Denge Marsh
50123809	Lade Fort, Lydd-On-Sea	Walland & Denge Marsh
50117664	Lydd Green (enclosed play area)	Walland & Denge Marsh
50128422	Megan Close, Lydd	Walland & Denge Marsh
50119826	Moore Close, Brenzett	Walland & Denge Marsh
50114627	Oakham Drive, Lydd	Walland & Denge Marsh
50112689	Salthouse Close, Brookland	Walland & Denge Marsh
50117665	The Derings, Lydd	Walland & Denge Marsh
50104498	The Parade, Greatstone Jolly Fisherman Car Park (enclosed play area)	Walland & Denge Marsh
50113894	The Rype play area, North of Paine Avenue, Lydd	Walland & Denge Marsh
50117246	Village Green play area, Ivychurch	Walland & Denge Marsh
50102500	Woodland Road Multi Sport play area, Lyminge	Walland & Denge Marsh

New / Ammendment

New / Ammendment

New / Ammendment

New / Ammendment

New / Ammendment

New / Ammendment

#### Other dogs banned areas

UPRN	Location	Ward
50105569	Folkestone Harbour Fountains	Folkestone Harbour
50113982	Wear Bay Road Bowling Green and Tennis Courts	Folkestone Harbour
50105546	Bayle Pond gardens - Folkestone	Folkestone Central

### Dogs On Leads' Restriction

## APPENDIX 2

UPRN	Location	Ward
50121055	Cheriton sports ground (3 Hills)	Broadmead
50113821	Aldridge Road (The Stadium)	Cheriton
50115309	North Rd (Le Quesne)	Cheriton
50103790	Christchurch Tower Garden of Remembrance	Folkestone Central
50103203	Kingsnorth Gardens	Folkestone Central
50106836	Lower Leas Coastal Park	Folkestone Central
50104524	The Leas	Folkestone Central
50111364	Ladies Walk Hythe	Hythe
50113895 / 50120076	Royal Military Canal, Twiss Rd bridge to Scanlon's bridge and South side, including Holman's field	Hythe
50120089	Lympne Village Hall playing fields	Hythe Rural
50103010	The Ridgeway (Trim Trail), Lympne	Hythe Rural
50103315	Littlestone Green, Grand Parade, Marine Parade, Littlestone	New Romney
50115766	New Romney Sports Field, Station Road	New Romney
50106005	St Martins Field, Fairfield Road	New Romney
50106456	The Flagstaff Land, Littlestone Road	New Romney
50104251	Hawkinge Football Club, The Street	North Downs East
50115782	Widgeon Walk (Killing Woods)	North Downs East
50107886	Sandgate Recreation Ground	Sandgate & West Folkestone
50113894	East Rype SSSI - Lydd	Walland & Denge Marsh

New / Amendment  
New / Amendment

New / Amendment

New / Amendment

### Cemeteries & Graveyards

UPRN	Location	Ward
50107534	Cheriton Road Cemetery	Broadmead
50103274	St Martins Church, Horn Street	Cheriton
50104266	St Marys And St Eanswythe Church, Church Street	Folkestone Central
50105102	Spring Lane Cemetery, Spring Lane	Hythe
50102865	St Leonards Church, Oak Walk	Hythe
50103666	St Stephens Church, The Street, Lympne	Hythe Rural
50105836	New Romney Cemetery, Church Road	New Romney
50102868	St Nicholas Church, Church Road	New Romney
50101027	Hawkinge Cemetery & Crematorium, Aerodrome Road, Hawkinge	North Downs East
50104231	St Martins Church, Oak Hill, Acrise	North Downs East
50104464	St Marys Church, The Square, Elham	North Downs East
50103391	St Nicholas Church, School Lane, Newington	North Downs East
50103901	St Oswalds Church, Upper Arpinge, Paddlesworth	North Downs East
50103838	All Saints Church, Church Lane, Stanford	North Downs West
50103406	Church Of St James The Great, Elchin Hill, Elmsted	North Downs West
50104460	St Mary And St Ethelburgas Church, Church Road, Lyminge	North Downs West
50103566	St Mary And St Radegund Church, The Street, Postling	North Downs West
50103380	St Marys Church, Church Lane, Stelling Minnis	North Downs West
50104457	St Marys Church, Main Road, Sellindge	North Downs West
50103324	St Marys Church, Stowting Court Road, Stowting	North Downs West
50103318	St Peters Church, Church Lane, Monks Horton	North Downs West
50101523	All Saints Church, Church Road, Burmarsh	Romney Marsh
50107275	All Saints Church, Jefferstone Lane, St Marys Bay	Romney Marsh
50107274	Church Of St Mary The Virgin, , St Mary In The Marsh	Romney Marsh
50106280	Kingdom Hall, Hythe Road, Dymchurch	Romney Marsh
50104469	St Peter And St Pauls Church, , Newchurch	Romney Marsh
50104369	St Peters And St Pauls Church, High Street, Dymchurch	Romney Marsh
50102866	All Saints Church, High Street, Lydd	Walland & Denge Marsh
50105838	Brenzett Cemetery, Church Lane, Brenzett	Walland & Denge Marsh
50104312	Brookland Graveyard	Walland & Denge Marsh
50105837	Lydd Cemetery, Mill Road, Lydd	Walland & Denge Marsh
50103789	St Augustines Church, Ashford Road, Snave	Walland & Denge Marsh
50104312	St Augustines Church, High Street, Brookland	Walland & Denge Marsh
50107249	St Clements Church, Rectory Lane, Old Romney	Walland & Denge Marsh
50104490	St Dunstans Church, Cuckolds Lane, Snargate	Walland & Denge Marsh
50104094	St Eanswith Church, Ashford Road, Brenzett	Walland & Denge Marsh
50104411	St Georges Church, Ashford Road, Ivychurch	Walland & Denge Marsh

### Seasonally Restricted Locations

#### Dogs Banned Restriction 1 May - 30 September

UPRN	Location	Ward
50113893	Beach - Sunny Sands	Folkestone Harbour
50123634	Beach - Mermaid Beach	Folkestone Harbour
50250815	Beach - Sandgate	Sandgate & West Folkestone
50250816	Beach - Hythe	Hythe
50250817	Beach - Dymchurch	Romney Marsh
50250818	Beach - St Mary's Bay	Romney Marsh
50250819	Beach - Littlestone	New Romney

#### 'Dogs On Leads' Restriction 1 May - 30 September

UPRN	Location	Ward
50113893	Promenade - Sunny Sands	Folkestone Harbour
50123634	Promenade - Mermaid Beach	Folkestone Harbour
50105250	Promenade - Sandgate	Sandgate & West Folkestone
50105251	Promenade - Hythe	Hythe
50106667	Promenade - Dymchurch	Romney Marsh

## APPENDIX 2

50106439	Promenade - St Mary's Bay	Romney Marsh
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## APPENDIX 3

Folkestone & Hythe District Council

### Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014



## Proposed Amendments to Dog Control PSPO

'Public Spaces Protection Order Folkestone and Hythe District Council 2022-2025'

Existing PSPO: [FHDC Dog Control PSPO Order](#)  
Existing interactive map: [FHDC Dog Control PSPO Map Link](#)

Proposal:

Implement a new Dog Control PSPO to start in August, in line with the current PSPO expiring.

The new proposed Dog Control PSPO includes:

- Additional restrictions in of football playing fields, where dog fouling is a regularly reported issue.
- Additional restrictions in the Lower Leas Coastal Park, where dog fouling is a regularly reported issue.

Beach access seasonal restrictions from 1<sup>st</sup> May – 30<sup>th</sup> September

Sunny Sands, - no change  
Mermaid Beach, - no change  
Sandgate, - no change  
Hythe, - - no change  
Dymchurch, - no change  
Littlestone, - no change  
Greatstone, - removal of restrictions

Play areas, green spaces, parks and recreation grounds

- 1) The Stadium, Aldridge Rd, Folkestone
- 2) South Road, Hythe
- 3) Le Quesne, North Road, Folkestone
- 4) Lower Leas Coastal Park, Folkestone
- 5) Mackenzie Drive (enclosed play area), Folkestone
- 6) Hythe Green (enclosed play area), Hythe
- 7) Dymchurch Recreation Ground (enclosed play area), Dymchurch

## APPENDIX 3

Folkestone & Hythe District Council

### Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014

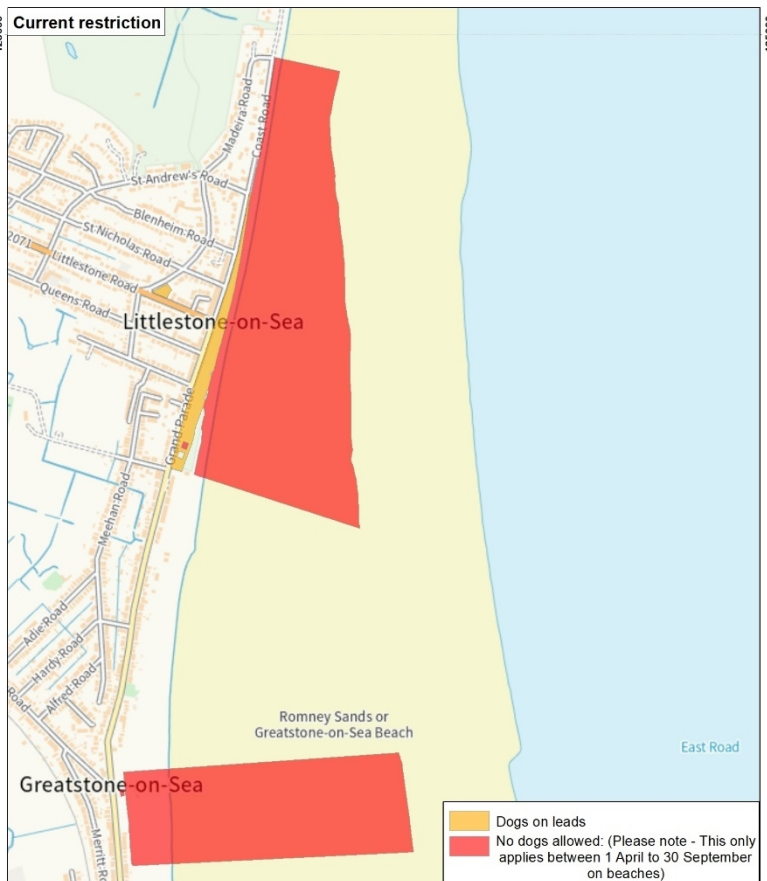
## Littlestone / Greatstone

Current Restriction:

- New Romney Sea Cadet slipway to Marine Parade / Madeira Road
- Dogs restricted from beach in seasonal restriction (1<sup>st</sup> May – 30<sup>th</sup> September)
- Dogs must be on a lead on the promenade seasonal restriction (1<sup>st</sup> May – 30<sup>th</sup> September)
- Greatstone Beach restricted.

Proposal:

- Removal of Greatstone Beach restrictions



## APPENDIX 3

Folkestone & Hythe District Council

### Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014

## Play areas, green spaces, parks and recreation grounds

### 1) The Stadium, Aldridge Rd, Folkestone

Additional restriction, 'dogs on lead'

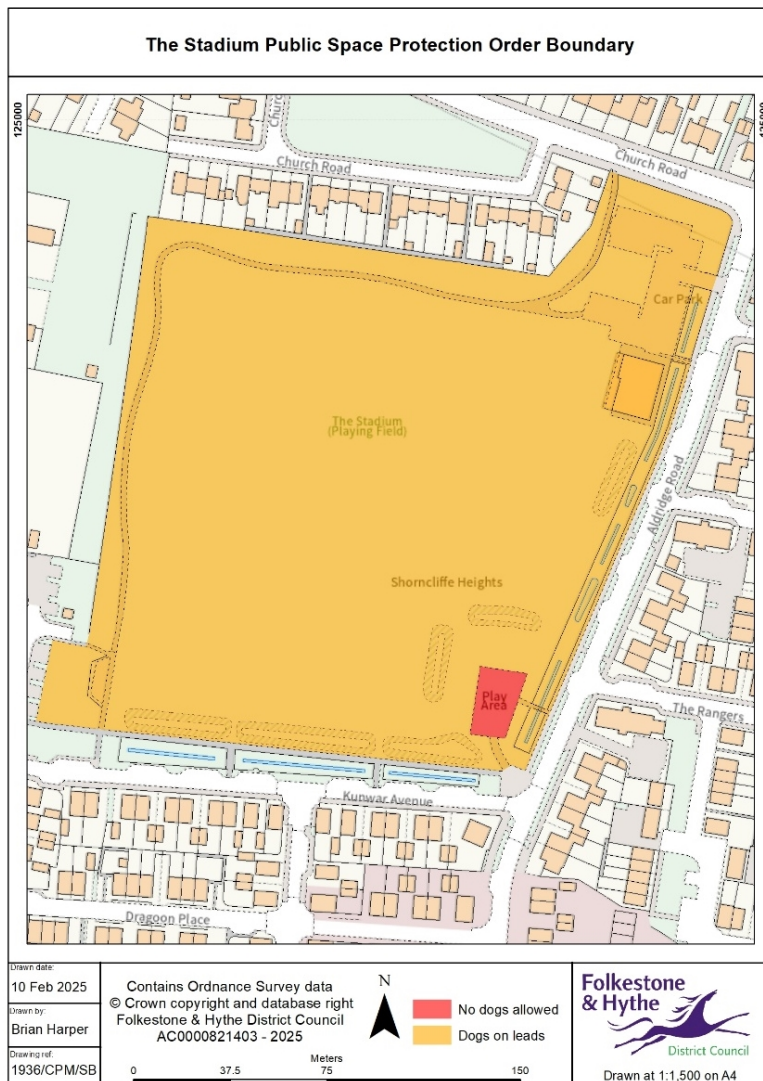
- Complaints received from the public and grounds maintenance team regarding amount of dog waste being left on football pitches

Current restriction:

- None

Proposal:

- Apply new 'dogs on lead' restriction due to complaints of dog fouling not being removed
- New children's play area, to have 'no dogs' restriction



pspo-the-stadium-  
A4.pdf

## APPENDIX 3

Folkestone & Hythe District Council

### Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014

#### 2) South Road, Hythe

Current restriction:

- Footpath only – ‘dogs on leads’ restriction
- Current restriction is unenforceable as dogs run freely across the footpath between grassed areas

Proposal:

- Removal of ‘Dogs on lead’ restriction on centre footpaths as not enforceable.



# APPENDIX 3

Folkestone & Hythe District Council  
**Public Spaces Protection Order – Dog Control**  
Anti-social Behaviour, Crime and Policing Act 2014



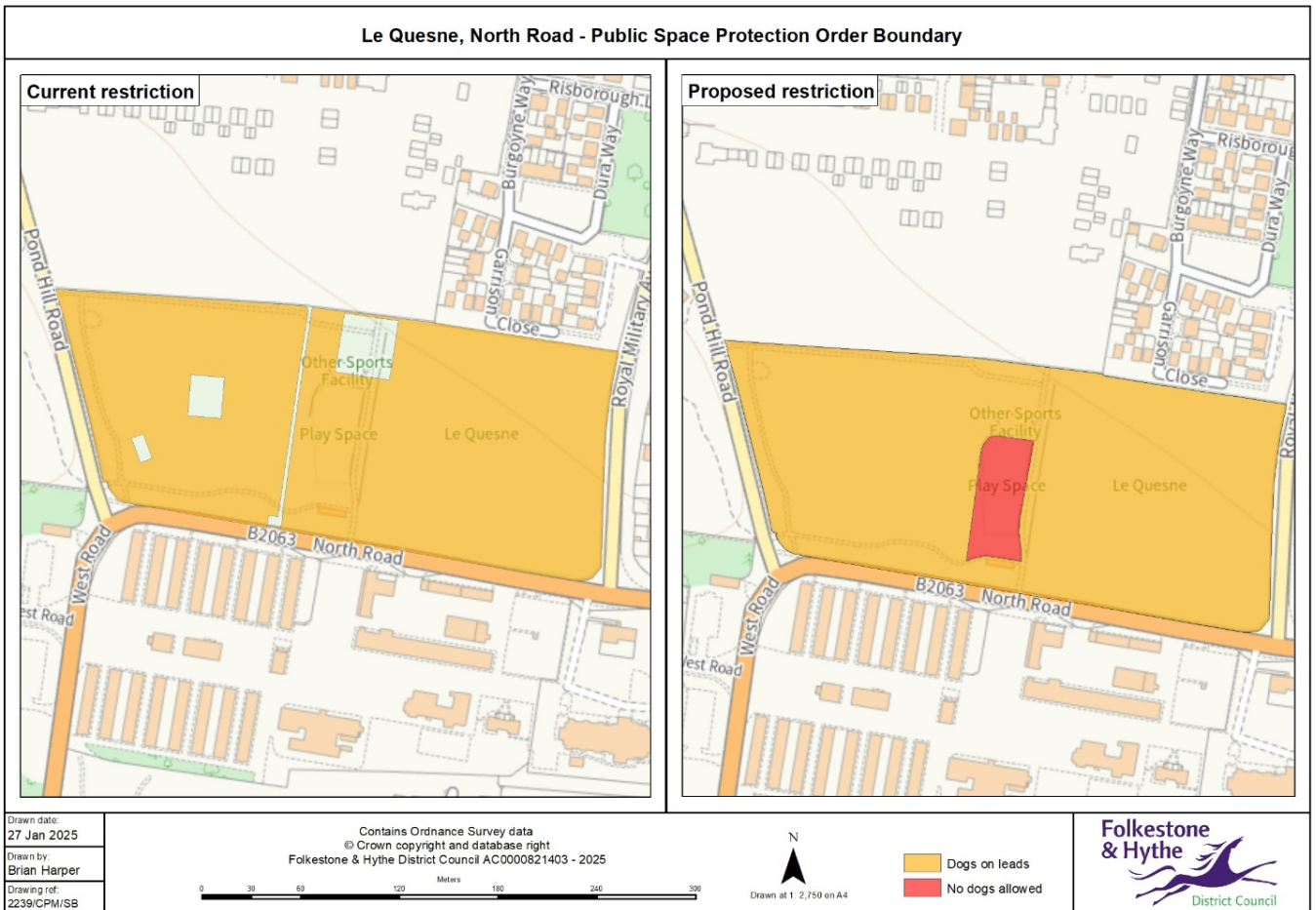
## 3) Le Quesne, North Road, Folkestone

Current restriction:

- Incomplete dogs on leads restriction

Proposal:

- To restrict the entire area 'Le Quesne' to 'dog on lead' restriction, including areas where former buildings once stood.
  - New children's play area, to have 'no dogs' restriction
- Located between the tree boundary (left), footpaths (right and bottom), hedgerow divider (top) highlighted red



pspo-le-quesne-A4.pdf

# APPENDIX 3

Folkestone & Hythe District Council

## Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014



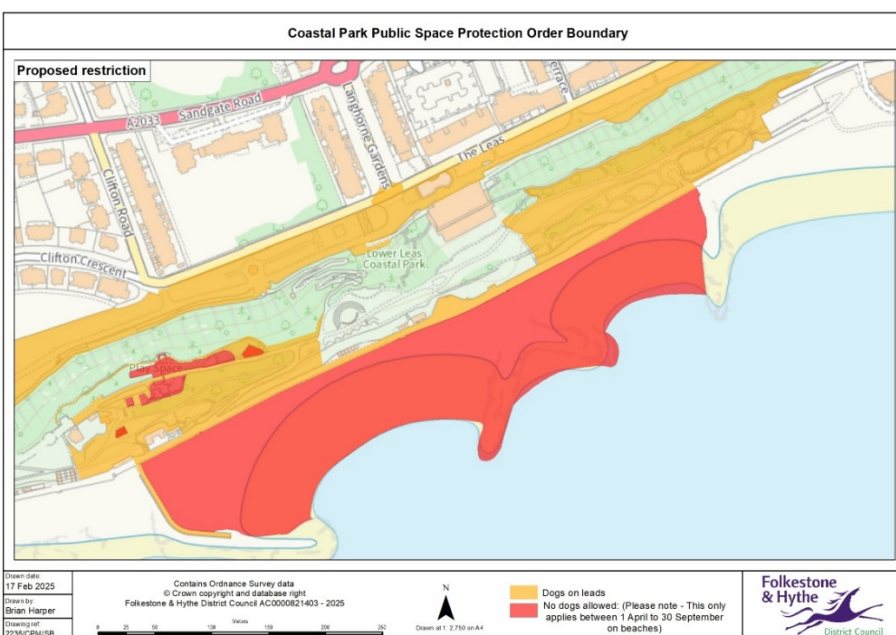
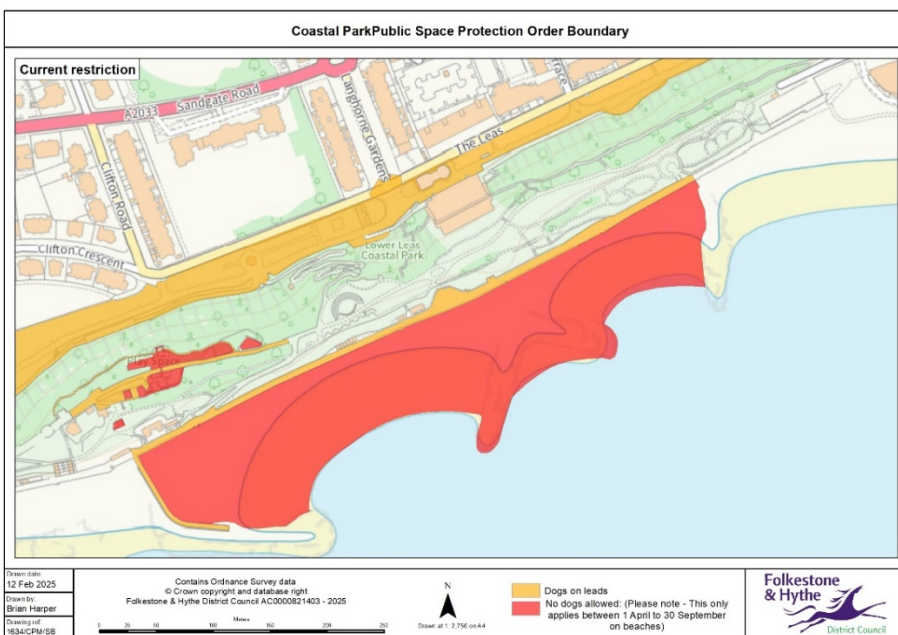
### 4) Lower Leas Coastal Park

Current restriction:

- Dog ban in play area, dogs on lead restriction on footpath

Proposal:

- To restrict wider area to 'dog on lead' restriction around play area to prevent uncontrolled dogs in play area.
- To create new dog on lead restriction on the planted area of Lead cliff gardens.
- Designated 'Dog friendly' section around amphitheatre and below Leas Cliff Hall



pspo-coastal-park-proposed.pdf

## APPENDIX 3

Folkestone & Hythe District Council

### Public Spaces Protection Order – Dog Control

Anti-social Behaviour, Crime and Policing Act 2014



#### **5) Mackenzie Drive (enclosed play area), Folkestone**

Current Restriction:

- None

Proposed Restriction:

- Dogs banned restriction to enclosed children's play area, as the rest of District.

#### **6) Hythe Green (enclosed play area), Hythe**

Current Restriction:

- None

Proposed Restriction:

- Dogs banned restriction to enclosed children's play area, as the rest of District.

#### **7) Dymchurch Recreation Ground (enclosed play area), Dymchurch**

Current Restriction:

- None

Proposed Restriction:

- Dogs banned restriction to enclosed children's play area, as the rest of District.

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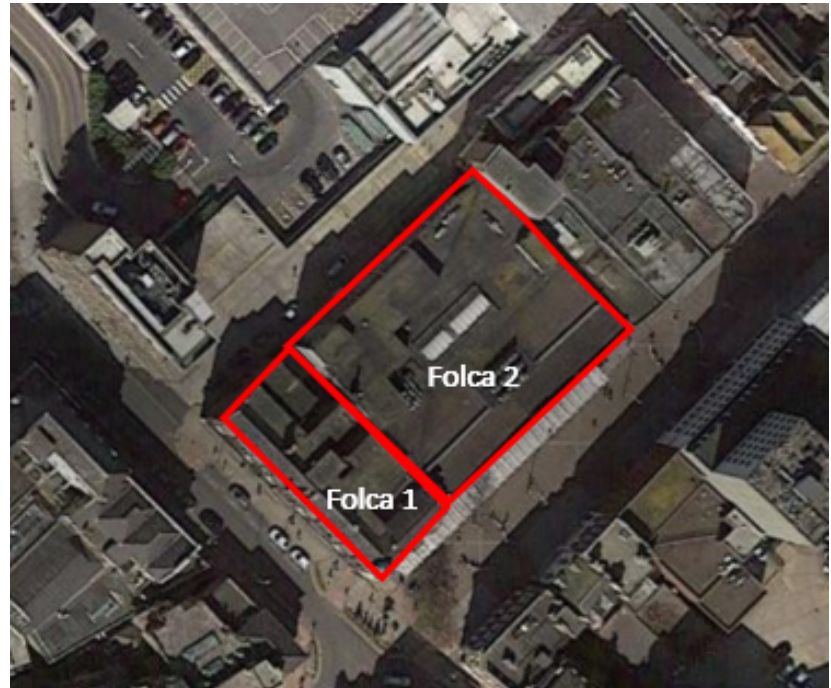
# Folca 1 – Update and Disposal Strategy

Overview & Scrutiny Committee  
27 May 2025



# Background

- September 2021 - Cabinet approval to deliver a Medical Centre in Folca 1
- August 2023 - Pellings (Surveyors) commissioned to undertake building condition report
- November 2023 - NHS confirmed medical centre in Folca 1 is non-viable
- July 2024 - Cabinet agreed exploration of alternative options for Folca 1
- October 2024 - Colliers (Surveyors) commissioned to deliver options report including viability and net present value



# Overview of Cabinet Report

- Cabinet - 11 June
- Cabinet report considers options for Folca 1
- Recommended option is disposal
- Sets out the financial contribution the disposal would make to the Folca 2 business case

# Folca 1 - Options Assessed

- Option 1 - Refurbishment as mixed retail and office space
- Option 2 - Refurbishment as mixed retail and residential
- Option 3 - Refurbishment as a hotel
- Option 4 - Demolish & rebuild
- Option 5 - Sell via an auction
- Option 6 - Open market disposal
- Option 7 - Do nothing and mothball the building

# Options - High Level Financial Summary

Option	Net Present Value	Development / remedial costs	Value of development	Return on Investment	Estimated Capital receipt to Folca 2	Risk level
Option1 - Refurbishment as retail and office space	██████	██████	██████	██████	£-	High risk
Option 2 - Refurbishment as retail and residential	██████	██████	██████	██████	£-	High risk
Option 3 - Refurbishment as a hotel	██████	██████	██████	██████	£-	High risk
Option 4 - Demolish & rebuild	N/A	██████	██████	██████	£-	High risk
Option 5 - Sell via an Auction	N/A	£-	██████	TBC	TBC	Medium risk
Option 6 - Open Market Disposal (estimated value)	N/A	£-	██████	TBC	TBC	Low risk
Option 7 - mothball the building (estimated value)	N/A	£645k	██████	██████	£-	High risk

# Options - Viability & Risk Summary

Option	Risk level	Viable for Council
Option1 - Refurbishment as retail and office space	High risk	No
Option 2 - Refurbishment as retail and residential	High risk	No
Option 3 - Refurbishment as a hotel	High risk	No
Option 4 - Demolish & rebuild	High risk	No
Option 5 - Sell via an Auction	Medium risk	No
Option 6 - Open Market Disposal	<b>Low risk</b>	<b>Yes</b>
Option 7 - Mothball the building	High risk	No

# Options - High Level Risk Summary

Associated Option	Perceived risk	Likelihood	Impact	Preventative action
All development options	Development risks	High	High	Disposal of Folca 1
All development options	Building Safety Act of 2022	High	Medium	Disposal of Folca 1
All development options	Changeable interest rates	High	High	Disposal of Folca 1
Disposal	Capital receipt for Folca 2 project	Low	Low	Recommend the best outcome to the Council
Disposal	Building capital expenditure	Low	Medium	Red Book valuation standards
Disposal	Not being able to dispose of Folca 1	Medium	Medium	Set a realistic asking price and timeline
Do nothing	Further dilapidation of the building	High	High	Disposal of Folca 1 ahead of further dilapidation
Do nothing	Annual running costs	High	High	Disposal of Folca 1
Do nothing	Reputational risk	High	High	Disposal of Folca 1 ahead of further dilapidation

# Cabinet Recommendations

## Summary of Options with Recommendation

- Feasibility assessment provides clear direction for the recommended option for Folca 1
- Any alternative development - significant financial risk and financial pressure on Council resources.
- Retaining and mothballing the building will cost £75,000 (pa) and £645,000 (capital)
- **Recommended option - To dispose of the property on an open market basis and secure a capital receipt**

## Impact on Folca 2

- Capital receipt reduces borrowing requirement and decreases revenue pressure

# Cabinet Report Recommendations

- To receive and note report
- To note the options considered for Folca 1
- To agree the recommended option for the disposal of Folca 1
- To note the impact of the disposal on Folca 2 project business case
- To agree to delegate authority to dispose of the building in line with the recommended option

# Questions

# Folca 2 – Update and Business Case

Overview & Scrutiny Committee  
27 May 2025



# Background

- **May 2020** - Acquired by Council
- **March 2022** - Consultant commissioned to assess viability
- **January 2023** - LUF bid successful for phase 1 works
- **October 2023** - Architect commissioned
- **July 2024** - Approval to explore a medical centre in Folca 2
- **December 2024** - Economic appraisal commissioned
- **March 2025** - Public Sector Decarbonisation Scheme (PSDS) bid successful
- **April 2025** - Procurement strategy developed



# Overview of Cabinet Report

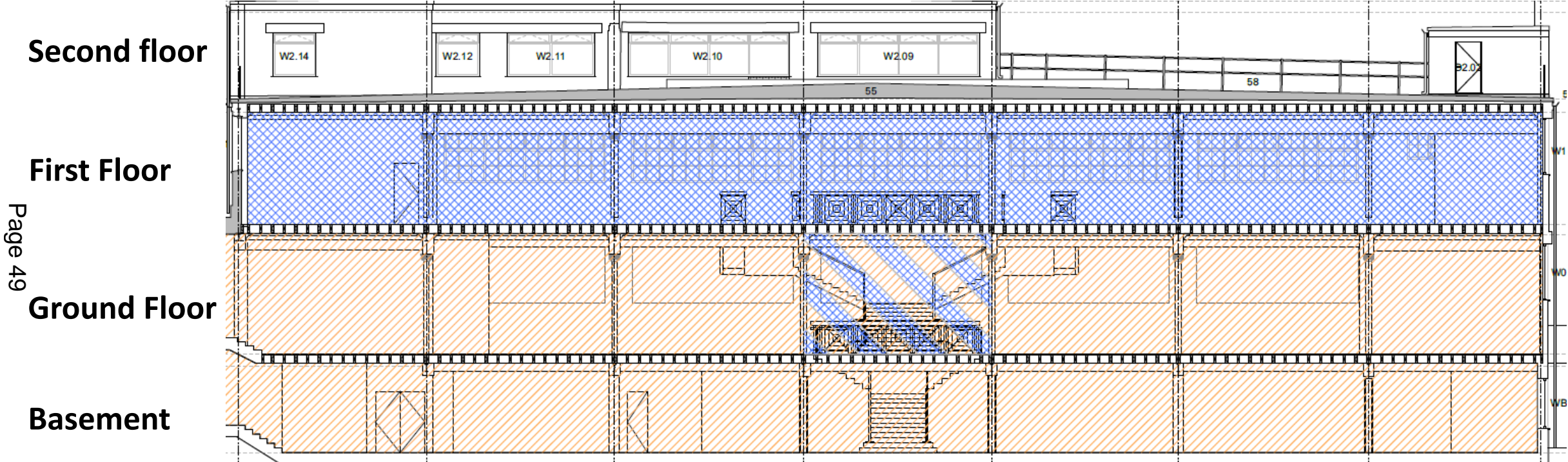
Report sets out the following updates since last Cabinet report ([C/24/18](#) - July 2024)

- Status of the medical centre
- Levelling Up Fund (LUF) works progress
- Occupation Strategy and Business Case
- Recommended option with appended business case

# Medical Centre Update

- Folca 1 – Deemed non-viable option by NHS Integrated Care Board (ICB)
- Folca 2 – Option explored to include a medical centre
- Folca 2 – Schedule of Accommodation agreed by NHS ICB and GPs
- Financial model and viability assessed by the Council

# Medical Centre Cross Section



To note: Medical centre on 1<sup>st</sup> floor and 2<sup>nd</sup> floor

# Phase 1 (LUF) - Update

- Remedial work - £2.2m
- Funded by the MHCLG “Folkestone – A Brighter Future” Levelling Up Fund
- Scope of work
  - To weatherproof the building
  - To separate Folca 1 and Folca 2
  - To help facilitate Phase 2
- Programme
  - Tender: Aug. 25 – Nov. 25
  - Contractor appointment and mobilisation: Nov. 25 – Dec. 25
  - Construction stage: Jan. 26 – June 26
- Deadline for LUF expenditure – March 2027

# Public Sector Decarbonisation Scheme (PSDS)

- Fund's objective: To reduce direct carbon emissions from public sector buildings
- Grant approved: £1.44m
- Scope of work:
  - Low carbon heating system
  - Building fabric improvement
  - Energy efficiency measures
- Impact to Folca 2 business case:
  - Decreases borrowing requirement by £1.44m
  - Estimated annual interest savings: £64k
- Benefits:
  - Energy consumption savings - £86.5k per annum
  - Carbon emissions reduction - 103,000 kgCO<sub>2</sub> per annum

# Occupation Strategy & Business Case

- Consultant Commissioned to Review Options
- Social and Economic Assessment
- Environmental Assessment
- Commercial Review
- Incorporation of Medical Centre
- Financial Modelling and Viability Assessment

# Recommended Option

## To redevelop Folca 2 into a medical centre and commercial units

- Combining mixed-use commercial with a medical centre
- Mixed-use commercial on the ground and basement levels
- Medical centre occupying the 1<sup>st</sup> Floor and part of the second floor
- Current cost estimate - £13.2m

# Project Cost Estimate

Associated work	Cost	Additional Comments
Phase 1 LUF Works	£2.2m	Remedial work incl. fees and contingency
Phase 2 Construction Costs and Contingency	£11m	Complete construction incl. fees and contingency
<b>Cost Estimate</b>	<b>£13.2m</b>	

# Project Finance Plan

Associated work	Funding source	Funding	Status	Additional Comments
<b>Cost estimate</b>		<b>£13.2m</b>		
<b>Phase 1</b>	Levelling-Up Fund	£2.2m	Approved	Remedial phase
<b>Decarbonisation</b>	Public Sector Decarbonisation Scheme	£1.4m	Approved	
<b>Phase 2 incl. Medical</b>	FHDC	£9.6m	Work in progress	FHDC Capital – Inclusive of all direct costs (fees etc) Repayment option being explored with NHS
<b>Total Budget</b>		<b>£13.2m</b>		As per agreed Medium Term Capital Plan
<b>Folca 1</b>	Capital receipt (estimated value)	██████	Work in progress	Capital receipt reduces borrowing
<b>Civic Centre</b>	Capital receipt (estimated value)	██████	Work in progress	Capital receipt reduces borrowing Principles agreed – Cabinet report <a href="#">C/24/18</a>

# Medical Centre Finance Options

The NHS ICB have 2 models which they are considering to finance the scheme.

## Market value rental option

- Approved NHS ICB market rent (TBA) over the period of the lease (50 Years)
- Pressure on FHDC revenue budget for longer period of time
- Business case break even point 27 Years

## Section 2 Contract (NHS 2006 Act)

- Full cost recovery including associated costs for the medical centre borrowing
- Pressure on FHDC revenue budget for a shorter period of time
- Business case break even point over 6 years
- Payments cover finance costs until full cost recovery then peppercorn rent

# Financial Models

**Model 1: Section 2 (NHS Act 2006)**

[Redacted]	[Redacted]
[Redacted]	[Redacted]
<b>Cumulative Breakeven Year</b>	<b>Year 6</b>

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**Model 2: Market value rental option**

[Redacted]	[Redacted]
[Redacted]	[Redacted]
<b>Cumulative Breakeven Year</b>	<b>Year 27</b>

**Model 3: Full Mixed Commercial**

[Redacted]	[Redacted]
[Redacted]	[Redacted]
<b>Cumulative Breakeven Year</b>	<b>Year 7</b>

**To Note :** Surplus based on 50% occupancy for the mixed commercial

**To Note :** All models are based on a standard 50 year term

# Benefits of Recommended Option

- Vacant building in key town centre location brought back into positive use
- Increased footfall into town centre
- Attract and retain new medical staff
- 2100sqm created of commercial space on ground floor and basement
- 23,000 registered patients
- 21 new jobs created - Medical centre
- C. 80 new jobs - Commercial units (based on 100% occupancy)

# Benefits of Recommended Option

- FHDC economy - £4.6m GVA (Construction phase – 18months)
- South East's economy - £6.2m GVA (Construction phase – 18months)
- FHDC economy - £4.9m GVA annually (Operational phase)
- South East's economy - £7.4m GVA annually (Operational phase)
- Energy consumption savings - £86.5k per annum
- Carbon emissions reduction - 103,000 kgCO<sub>2</sub> per annum

# Folca 2 – High Level Financial Risks Summary

Risk Description	Risk Response Strategy	Response Strategy	Contingency Plan	Risk Probability	Risk Impact
Budget overrun, resulting in additional funding required, impacting the overall viability of the financial model	Contingency	De-risk through detailed due diligence on building and robust financial management scenario planning	10% contingency + Value Engineering (VE)	Moderate	High
NHS ICB rental agreement not secured until lease agreement signed (RIBA 4), impacting the financial business case	Mitigation	Working with QS to model accurate budget estimates; Having flexibility in the financial model term.	Full Mixed Commercial Model	Low	Very High
Medical centre - Non signing of lease agreement following RIBA stage 4, resulting in abortive design costs to reach to RIBA Stage 4 (£420k)	Mitigation	Seek contribution towards design costs from NHS ICB	Full Mixed Commercial Model	Low	Very High
Global economy and external factors, resulting in increase in interest rates or increase in material fees, impacting the viability of the business case	Mitigation	If the business case becomes unviable, the project will be reassessed	10% contingency + VE	Moderate	Very High

# Next Steps & Programme

- Cabinet - 11 June
- Develop scheme to RIBA stage 4 (Design pack ready for tender) pending authorisation
- Programme
  - Design: June 25 - July 26
  - Tender: July 26 - Dec. 26
  - Construction stage: Jan. 27 - June 28

# Conclusion

- 3 viable redevelopment options for the Folca 2 building
- Financial models include appropriate level of contingency and are based on conservative income generation figures
- On-going positive working relationship with the NHS ICB to deliver the improved medical centre aspiration
- Continuous work to de-risk the project on-going
- The recommended option is considered the most favourable position for the Council, and meets the overall objectives for the Folca 2 building

# Cabinet Report Recommendations

1. To receive and note report C/24/XX.
2. To note progress made in relation to delivery of the phase 1 remedial works as part of the Levelling Up Fund project Folkestone: A Brighter Future.
3. To agree the recommended redevelopment option proposed for Folca 2 as set out in section 3.5 of the report.
4. To agree to delegate authority to the Directors of Housing & Operations and Strategy & Resources, to undertake all actions required to procure and deliver the redevelopment of Folca 2 as set out in section 3.5 of the report.
5. To note the acceptance of the grant offer of £1.44M from the Public Sector Decarbonisation Scheme (PSDS) fund and note the carbon reduction benefits this will secure.
6. To note the projected savings on capital borrowing and revenue as a result of the PSDS fund.
7. To acknowledge the risks and mitigation strategy associated with delivery of this project.

# Cabinet Report Recommendations

7. To agree to delegate authority to the Director of Housing & Operations, in consultation with the Section 151 Officer, and Cabinet Member for Assets and Local Government Reorganisation to progress and complete all legal agreements required to bring forward the recommended proposal.
8. To note that progress in delivery of the redevelopment of Folca 2 will be reported through the Council's Performance Framework.
9. To note that, should there be any significant deviation in the business case viability, the project will be referred back to the relevant Cabinet Members.

# Questions

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