DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 2 November 2017 at 7.00 pm

PRESENT:  Councillor J A Kite, MBE (Chairman)
           Councillor C J Shippam (Vice-Chairman)
           Councillor Mrs A D Allen, MBE
           Councillor P F Coleman
           Councillor K M Kelly
           Councillor A R Lloyd
           Councillor Mrs P A Thurlow

ALSO PRESENT:  Councillor A Bardoe (Lead Member)

54. APOLOGIES FOR ABSENCE

There were no apologies for absence.

55. DECLARATIONS OF INTEREST

There were no declarations of interest.

56. CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2017

RESOLVED:

That the minutes of the Cabinet meeting held on 7 September 2017 be confirmed.

57. URGENT ITEMS

There were no urgent items.

58. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 30 OCTOBER 2017

The Cabinet received the minutes of the Cabinet Advisory Panel held on 30 October 2017 and took note of the Panel’s views throughout the meeting.

59. REFERENCES FROM COMMITTEES

There were no references from other committees.

60. LAND AT STONE LODGE - DISPOSAL OF LAND FOR 8 FORM ENTRY SECONDARY SCHOOL AND UPDATE ON DEVELOPMENT PROPOSALS

This report updated Members on the Secretary of State for the Department of Communities and Local Government revised proposals to proceed with the purchase of part of the land at Stone Lodge for an 8 form entry secondary
school and sought authority to agree the revised terms. It also updated Members on the other development proposals for the area.

The Chairman noted how the 7.7 acre area that had been identified for the school had been raised at the Cabinet Advisory Panel meeting and said that this had been assessed as adequate by those who have experience of planning for new schools. The Managing Director explained that the area originally requested had been reduced from 16.8 to 6 acres, but that 7 acres had been offered, which had then been subsequently increased to 7.7 acres to allow for the inclusion of a playing field.

The Chairman noted how the plans for the whole site honoured Cabinet’s commitment to reserve 75% of the site for leisure, recreation and community use and said that it would provide opportunities to deliver walking and gym trail facilities on the site’s green spaces. He also noted the Education & Skills Funding Agency’s (ESFA’s) involvement in the process to purchase the land required for the school and said that a Trust had already been appointed to run the school.

The Managing Director referred to the challenging September 2020 target opening date for the school and said that the associated plans were still be refined to take account of the need to avoid an existing public right of way through the proposed area. Members also referred to the proposed end 2018 opening date for the rugby facility and were advised that this should be achievable as the building had a simple construction and would be delivered in a similar way to the new pavilion at Hesketh Park.

Members welcomed the delivery of playing field areas at both the rugby facility and the school and hoped that arrangements would be put in place to encourage and maximise their use.

In response to a question relating to injuries that might be caused by the use of an all-weather surface on one of the planned rugby pitches, the Managing Director replied that the product used would meet the standards specified by the Rugby Football Union (RFU).

RESOLVED:

1. That, having considered the Council’s Consultant Valuer’s report in confidential Appendix A to the report, no less than 7.7 acres of land at Stone Lodge (as shown on the Master Plan at Appendix B to the report) be disposed of to the Secretary of State for the Department of Communities and Local Government for an 8 form entry secondary school, at potentially less than best consideration, on the terms set out in confidential Appendix A to the report.

2. That the Managing Director be granted delegated authority to agree the exact size of the land take for the 8 form entry secondary school and, if necessary, make amendment(s) to the Master Plan.
3. That the Managing Director, in consultation with the Head of Legal Services, be authorised to finalise the Heads of Terms and complete the transaction.

4. That a report on the appropriation of the land at Stone Lodge for planning purposes be presented to a future Cabinet meeting.

5. That Members receive a presentation on the development proposals at Stone Lodge.

6. That the Managing Director be authorised to submit a hybrid planning application for the site, as set out in para 3.17 of the report, comprising an outline application for the site as a whole and incorporating a detailed application for a rugby club and associated playing pitches.

61. REFUSE COLLECTION AND STREET CLEANSING CONTRACT

This report sought approval to the retendering of the Council’s contract for refuse collection and street cleansing services post June 2019.

The Chairman noted how the existing contract had been extended so that the renewal date aligned with that of other nearby local authorities providing an opportunity to make cost savings by tendering a larger value contract together. He also noted the reference to the Nominal Optimal Method (NOM) service that had been outlined in the report but emphasised the need to consult with residents to ascertain their preference because an optimal service would not necessarily be the best option for Dartford residents. He then referred to problems that had been experienced with the existing service, which had mainly been caused by traffic congestion and tipping delays at the Pepper Hill Waste Transfer Station, and thanked the Lead Member for Waste and Recycling and the Waste and Parks Manager for helping to get performance levels back on track. He said that residents needed to be happy with the service being provided but noted that, in order to increase recycling rates, the frequency of collection may have to be reviewed. He then noted how, although Dartford’s recycling rate was relatively low, less than 1% of waste collected by the Council’s contractors ended up going to landfill. He said that the proposed resident consultation exercise would show whether they were prepared to change from the current collection format or not.

With the Chairman’s permission the Lead Member for Waste and Recycling, who was present at the meeting, said that the costs associated with each collection format should also be considered, as any savings made could be used to improve the waste and recycling service in other ways. He also noted that the Council should remain aware of the potential penalties that may be imposed in the future by central government if the Council fails to increase its recycling rates.

In relation to the costs involved with each service the Managing Director said that, having taken legal advice, the tender documentation should contain only one service option, as there was a risk that other bidders may be able to
challenge the Council’s choice of contractor if multiple service options are presented. The Strategic Director (External Services) then explained how the collection costs associated with the NOM service would be greater than for the current service, but said that the NOM service would mean that Kent County Council (KCC) would save on disposal costs (because recycling rates would increase and recycling costs less to process than other forms of waste), which they would then share with the Council, leading to overall reduced costs for operating the NOM service when compared to the Council’s current service.

Members therefore agreed that they needed to consult with residents rapidly in order that their preferred option may be used in the tender documentation. They also agreed that the Council should not include a ‘preferred option’ as the intention was to choose an option based on the responses received. It was also suggested that the experiences of other local authorities that have already been operating the NOMs service for some time (e.g. Ashford Borough Council) be included, together with a full description of all other options, to ensure residents are fully informed before making their decision.

In response to a question the Strategic Director (External Services) confirmed that, although Tonbridge & Malling and Tunbridge Wells Borough Councils had already agreed to provide the NOM service, it would still be possible for Dartford to define a different service and for all three local authorities to prepare a joint tender. She said that this would still allow the Council to benefit from joint procurement as the contractor would still have the flexibility to share depots and the service fleet between all three local authorities. She also confirmed that there would be a minimum 3 to 6 month transition period after 1 July 2019 as any agreed changes to the current service are rolled out.

Members asked whether the growth from new developments, such as those at Ebbsfleet, would impact the new contract. The Strategic Director (External Services) replied that the current contract, which has been running since 2005, already accommodated growth and that periodic rebalancing exercises would need to be carried out to ensure that each collection round services a similar number of people. She also anticipated that such a rebalancing exercise would have to be undertaken shortly.

With respect to food waste collection, which would be weekly if the NOM service were chosen, the Strategic Director (External Services) advised that a separate caddy would be provided for this purpose and that compostable bags or newspaper could be used to keep the inside clean. She also noted that, although under the NOM service food waste would be collected weekly, residents could choose not to use the caddy and include the food waste as part of their general waste as they do currently. It was also suggested that by separating out food waste instances of rejected contaminated recycling may be reduced, which would contribute towards an increased recycling rate for Dartford.

The Chairman, with the agreement of other Cabinet members, asked that an additional resolution be added asking that a timely consultation on residents’
preferred type of waste and recycling collection service be carried out, and that delegated authority then be given to the Managing Director, in consultation with the Leader, Deputy Leader and Lead Member for Waste and Recycling, to base the scope of the tender on the results of the consultation. The Strategic Director (External Services) noted the tight timescales involved but anticipated that the Council’s procurement partners would be willing to delay the tender process until January in order that the consultation process may be completed.

RESOLVED:

1. That a timely consultation on residents’ preferred type of waste and recycling collection service be carried out, and that delegated authority be given to the Managing Director, in consultation with the Leader, Deputy Leader and Lead Member for Waste and Recycling, to base the scope of the tender on the results of the consultation.

2. That the Strategic Director (External Services) be authorised to retender the Council’s contract for refuse collection and street cleansing services.

3. That, following completion of the procurement process, a further report be submitted seeking approval to award the new contract.

62. RESPONSE TO GOVERNMENT CONSULTATION: "PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES"

This report proposed a response to the Government’s consultation on the document ‘Planning for the Right Homes in the Right Places’ (September 2017). The potentially significant implications for the Council of the proposed new method for calculating local housing figures, and the creation of mandatory Statement(s) of Common Ground between authorities, were set out in the report.

The Head of Regeneration explained how the consultation set out further proposals to address increasing housing need and said that it focused on technical planning matters and had wide implications for the Council. She said that the response supported the use of a standard methodology when calculating housing need figures, but said that the methodology needed to be right and that some concerns had been raised in the response. She said that the illustrative housing need figures had been included as part of the consultation had been based on past house building performance, which was unfair to Dartford where significant house building had been achieved. She also noted that the figure had been linked to affordability and that a cap of 40% above levels specified in an authority’s Local Plan had been defined, which was again unfair to those Councils who had declared ambitious house building targets in their Local Plan. She then referred to the housing need figure of 778 that had been calculated for Dartford and noted that 971 and 1162 new builds had been achieved over the last 2 years and said that, although the Council had enough potential sites and planning approvals to
accommodate this requirement for a number of years, it could not continue indefinitely as potential sites available for development would eventually run out.

The Head of Regeneration then referred to the Statement of Common Ground and the redistribution of house building responsibility between local authorities across Housing Market Areas. She noted the difficulty that this would cause for the Local Plan and said that there was not enough clarity on how this would work in practice, or any indication of how those local authorities who deliver above their own calculated housing building need would be rewarded.

The Chairman noted how Councils such as Dartford were not being given enough credit for the high levels of growth being achieved and said that initiatives to encourage further housing development in the north of the country, where large brownfield sites were available for redevelopment, should be considered. He said that this could act to encourage those who are able and willing to relocate. The Head of Regeneration agreed that there was a need to redistribute development responsibility and said that, with high levels of growth continuing in the south east, protected areas of land such as Green Belt, Areas of Outstanding Natural Beauty, and nature conservation areas could increasingly be put at risk.

The Chairman also referred to the Government's reluctance to deliver the supporting infrastructure required to support the high levels of housing being built and said that hospitals, GP surgeries, schools and road improvements needed to be planned for, and delivered, at the same time.

Members welcomed the clear and comprehensive response that had been prepared and hoped that the Government would take note of the issues that had been raised.

RESOLVED:

1. That Appendix A to the report be submitted to government as the Council’s official response to the consultation.

2. That the proposed introduction in 2018 of mandatory Statement(s) of Common Ground, to be negotiated with other Local Planning Authorities (see paragraphs 4.10 - 4.19 of the report), be noted.

63. ACCEPTANCE OF TENDER - ESTATE CLEANING AND WINDOW CLEANING CONTRACT

This report advised Members of the outcome of the tendering process for the Housing Estate Cleaning & Window Cleaning Contract, which would deliver an estate cleaning and window cleaning service to the Council’s housing stock, and sought approval to enter into a contract with the successful tenderer.
RESOLVED:

That, subject to the completion of the consultation in relation to s20 Landlord & Tenant Act 1985 and the OJEU standstill period, the Housing Estate and Window Cleaning Contract be awarded to ‘Company A’, referred to in Appendix A to the report in the exempt part of the agenda, for a period of 3 years from 01/01/2018, with the option to extend the contract for a further two years.

64. 100% BUSINESS RATES RETENTION PILOT 2018/19

The Department for Communities and Local Government (DCLG) has invited local authorities to participate in a pilot of 100% Business Rates Retention in 2018/19. The local authorities in Kent have worked together to develop a Kent Pilot proposal. This report asked Members to note that this pilot proposal has now been submitted and includes Dartford Borough Council.

Members welcomed the potential financial benefits that this would deliver for the Council if the bid were successful. The Strategic Director (Internal Services) noted how most other counties had also made bids and said that there would be strong competition, but then noted that the inclusion of Medway, a unitary authority, in Kent’s bid may act in its favour.

RESOLVED:

That it be noted that a proposal has been submitted to the Department for Communities and Local Government, to include Dartford Borough Council’s participation in the Kent wide 100% Business Rates Retention pilot for 2018/19.

65. REVENUE BUDGET MONITORING 2017/18

This report updated Members on financial performance against the 2017/18 budget to date for the General Fund and Housing Revenue Account.

The Strategic Director (Internal Services) noted the continued pressure being placed on the homelessness budget, but said that but that it was hoped that this would be offset by increased business rate income.

The Chairman referred to the work that the Council was carrying out with homelessness groups to help improve things for those that find themselves homeless over the winter period, and also expressed gratitude to the Council’s homelessness teams for the associated preventative work that is being carried out all year.

RESOLVED:

That the fact that the overall level of spend and income for the year is expected to be within the parameters of the budget be noted.
66. CAPITAL BUDGET MONITORING 2017/2018

This report informed Cabinet of the progress to date on the projects which make up the approved Capital Budget, and reported the latest position on capital resources.

RESOLVED:

1. That the progress made to date on the 2017/18 Capital Programme be noted.

2. That the current position on the Capital Prudential Indicators, as shown in Appendix C to the report, be noted.

67. TREASURY MANAGEMENT MID-YEAR REPORT 2017/2018

This report informed Cabinet of the investment performance of the Council’s internally and externally managed funds to 30 September 2017 and provided an update on the Treasury Indicators for the six months to 30 September 2017.

Members wished to congratulate those officers responsible for managing the Council’s funds and noted how they were aiming to be assessed at the highest skill level, which would result in them having greater control, more options and reduced costs when managing the investment of the Council’s funds.

The Chairman noted how much of the funding being invested was being collected and held on behalf of other agencies and said that it could be used to work for the Council until it became necessary to pass it over.

RESOLVED:

1. That the investment performance of the Council’s funds be noted.

2. That the half-year position of the Council’s Treasury Indicators be noted.

68. REPORT OF DELEGATED ACTION TAKEN UNDER STANDING ORDER 38: APPOINTMENT OF A NEW CHAIRMAN AND VICE-CHAIRMAN OF CABINET ADVISORY PANEL B AND APPOINTMENTS TO THE DARTFORD AND GRAVESHAM NHS TRUST STAKEHOLDER COUNCIL

This report advised Cabinet, in accordance with the requirements of Standing Order 38(2)(b), of the delegated action taken under Standing Order 38(2)(a) by the Managing Director, in consultation with the Cabinet Chairman, relating to the appointment of a new Chairman and Vice-Chairman of Cabinet Advisory Panel B and appointments to the Dartford and Gravesham NHS Trust Stakeholder Council.
RESOLVED:

That the action taken by the Managing Director, in consultation with the Cabinet Chairman, under Standing Order 38(2)(a), relating to the appointment of a new Chairman and Vice-Chairman of Cabinet Advisory Panel B and appointments to the Dartford and Gravesham NHS Trust Stakeholder Council be noted.

69. LAND AT STONE LODGE - DISPOSAL OF LAND FOR 8 FORM ENTRY SECONDARY SCHOOL AND UPDATE ON DEVELOPMENT PROPOSALS - EXEMPT APPENDIX A (EXEMPT CATEGORY SO 46 (1) (B) ANNEX 1 PARAGRAPH 3)

RESOLVED:

That, following discussion of the main report (minute 60), the appendix be noted.

70. ACCEPTANCE OF TENDER - ESTATE CLEANING AND WINDOW CLEANING CONTRACT - EXEMPT APPENDIX A (EXEMPT CATEGORY SO 46 (1) (B) ANNEX 1 PARAGRAPH 3)

RESOLVED:

That, following discussion of the main report (minute 63), the appendix be noted.

The meeting closed at 8.10 pm

Councillor J A Kite, MBE
CHAIRMAN