

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 24 September 2020 at 5.00 pm

PRESENT: Councillor J A Kite, MBE (Chairman)
Councillor C J Shippam (Vice-Chairman)
Councillor Mrs A D Allen, MBE
Councillor S H Brown
Councillor A R Lloyd
Councillor Mrs P A Thurlow
Councillor R J Wells

IN ATTENDANCE: Sheri Green - Strategic Director (External Services)
Sarah Martin - Strategic Director (Internal Services)
Mark Aplin - Planning Policy Manager
Alan Twyman - Democratic Services Manager
Paul Blake - Interim Transformation Manager

138. APOLOGIES FOR ABSENCE

There were no apologies for absence.

139. DECLARATIONS OF INTEREST

There were no declarations of interests.

140. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 23 JULY 2020

Resolved:

That the minutes of the meeting of the Cabinet held on 23 July 2020 be confirmed as an accurate record.

141. URGENT ITEMS

There were no urgent items.

142. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 21 SEPTEMBER 2020

The Cabinet received the minutes of the meeting of Cabinet Advisory Panel A held on 21st September 2020 and had regard to the Panel's views throughout the meeting.

143. REFERENCES FROM COMMITTEES

There were no references from other committees.

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144. CONSULTATION ON CHANGES TO PLANNING POLICY AND REGULATIONS

The Planning Policy Manager presented a report which detailed the Council's proposed response to the Government consultation on Changes to the Current Planning System due to end on 1st October 2020. The report explained that whilst the proposed changes were considered to be technical they could be introduced very quickly by way of amendment to the national Planning Policy Guidance and would not require legislation and the impact of the changes on Dartford and other authorities could be significant.

There were four parts to the document:

- Changes to the standard method for assessing minimum housing numbers in strategic plans. This change was proposed because the existing methodology was not delivering the government target for building 300,000 homes pa. The current methodology for identifying the minimum number of homes to be planned in each borough, which included a cap on any increase, was explained. The Government's revised methodology for calculating the target figure was explained and the Government also proposed removing the cap. Using the proposed approach Dartford would have to plan for 1,441 new homes pa, double the current requirement, which it was felt would represent a sudden and substantial increase and would be wholly unrealistic. It would also unfairly punish those authorities like Dartford that had delivered on their housing needs, result in further in-migration to the Borough and result in a spiral of ever increasing housing projection figures. The Council's proposed response very strongly objected to the changes, setting out a clear rationale and data demonstrating that the Government's revised approach is not an effective, fair or sustainable methodology from which to derive a baseline target for housing. The response also suggested that instead the baseline figure should be established as 1.25% pa of the existing housing stock which would deliver more than the Government's target of 300,000 new homes pa.
- The report also detailed proposals for delivering 'First Homes', intended for first time buyers at a discount of at least 30% below market value and that a minimum of 25% of all affordable housing should be First Homes. Whilst the Council had no objection to First Homes per se it would not want this to endanger the provision of affordable rented housing, which was needed in the Borough.
- The report described plans to support small and medium-sized developers by reducing the amount of affordable housing they would need to deliver through new planning permissions for 18 months by raising the threshold at which developers would be required to provide affordable housing on a site from 10 to 40 or 50 homes. This could impact adversely on the delivery of affordable housing, particularly if developers sought to gain and bank planning permissions or if this became a permanent change.

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- Finally the Government was proposing extending the permission in principle consent regime to allow developers to apply for in principle permission for major housing-led development (where an Environmental Impact Assessment or Habitats Regulations Assessment were not required). This could however result in developers obtaining in-principle decisions to redevelop town centre sites and could result in developers seeking to construct higher buildings than might otherwise be deemed appropriate under the second stage technical details consent.

The Chairman highlighted the significant implications for Dartford and unfairness of the proposed change to the methodology for establishing a baseline target for house building for authorities like Dartford that had effectively managed housing growth and delivered on housing need. He noted that the Government was seeking to introduce a national algorithm to address under delivery by other local authorities that had resulted in the Government's overall target for house building not being achieved but that applying a national algorithm would have severe implications for authorities at the extremes of the calculations, which would include Dartford. He suggested that the Government should be looking at exemplar authorities like Dartford and trying to replicate that success in other areas and that Dartford was not prepared to accept a changed methodology which would adversely affect the borough by resulting in greater housing density and lower quality. He welcomed the strong support from Cabinet Advisory Panel A for the proposed response to the consultation and thanked officers for the report. At a political level he intended that the Council would make its views clear to the Government beyond the level of the consultation response and he was of the opinion that the Government was moving to an appreciation that it would need to reconsider the methodology.

The Cabinet noted the implications for Dartford and for other authorities in Kent and that the Leader of Kent County Council and MP's across Kent were also lobbying the Government for a fairer system. The Deputy Leader also questioned where the increased number of houses could actually be built if the new target had to be met. The Portfolio Holder for Finance questioned the wisdom of basing future projections on past assumptions given the enormous impact of the coronavirus pandemic on working arrangements and the impact that this could have for future housing demand in commuter towns such as Dartford. The Chairman agreed that working patterns were likely to change permanently but felt that demand for housing would always be high in Dartford because the borough was an attractive place to live and work but that this demand had to be met in a well-planned and delivered manner, which was currently being achieved through the Council's existing Local Plan. He felt that the proposed methodology was flawed and build on unrealistic premises that could generate extreme targets. He felt that the Government would reconsider the methodology and assumptions and either change the algorithm or recognise the need to revise targets in areas where the targets were extreme and unrealistic.

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RESOLVED:

That the responses to the questions, set out in Appendix B to the report, form the Council's response to the Government's Consultation on Changes to the Current Planning System.

145. PARKING SERVICES ANNUAL REPORT

The Strategic Director introduced the Civil Enforcement & Parking Services Report for 2018/20 which set out the Council's approach to parking and traffic management, provided information about parking provision and enforcement, car park provision and parking schemes and projects undertaken during the past two years as well as statistical and other relevant and comparative data. She explained that there was a statutory requirement to publish a report and that it was intended to be informative for the public and to explain how the service worked. She explained that the Cabinet Advisory Panel had supported the report but had suggested that future reports should contain even more statistical data as well as asking for statistical data on the number of penalty charge notices (PCN's) issued for each location to be circulated to Members on a more frequent basis, possibly quarterly or twice a year.

The Chairman noted the comments made by the Cabinet Advisory Panel and that it had raised concerns about bad parking and behaviour around schools. He had hoped that public behaviour might have improved as a result of the greater community spirit that had arisen during the current pandemic but it seemed that some people had reverted to bad habits and inconsiderate parking. He understood Members wish to have more information about the number of enforcement notices issued but felt that actually an increase in the numbers of PCN's was a reflection of failure to get the public to park responsibly. Other ways of changing behaviours needed to be found but it seemed that efforts to educate and encourage people to act responsibly would not be heeded by some people. He noted the good work carried out by the Safer to School Working Group but that this could not override the behaviour of people who simply would not listen or do the right thing. He hoped that the Government might act in future to give local authorities more powers to take action where school safety was an issue. He emphasised that the Council did not consider parking management to be a revenue generator and that the service was cost neutral and intended to manage parking responsibly and safely. This was evidenced by the Council's actions during the height of the pandemic when many PCN's were waived and parking charges were suspended.

The Portfolio Holder for Community Safety welcomed the report which he felt was informative for residents and commented on the excellence and fairness of the parking service. He commended the report to the Cabinet.

The Portfolio Holder for Youth, Health & Wellbeing informed the Cabinet that the report had also been considered by the Joint Transportation Board, which

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she had chaired, and that many of the same concerns had been raised as had been discussed by CAP. She noted that school safety was a particular concern, especially as many pupils travelled to schools in Dartford from other areas. She felt that there was a need for communication and education to change the parking behaviours of some parents.

RESOLVED:

That the Cabinet notes the content of the Civil Enforcement & Parking Services Report 2018-20, and the comments from the Joint Transportation Board, and approves its publication on the Council's web site.

146. GUIDANCE - PRIORITISING INVESTIGATION OF REPORTED PARKING ISSUES AND PARKING MANAGEMENT SCHEMES

The Cabinet considered a report which detailed the principles of new guidance for prioritising reported parking issues in the borough for investigation and development of parking schemes to address identified problems. This recognised the increasing public demand for schemes to deal with parking issues and the need to establish a more robust approach to appraising parking issues and prioritising schemes for implementation to provide clarity for the public, ward Members and partner organisations. The guidance focussed on providing a simple, clear and consistent appraisal approach to rank and prioritise parking issues and to establish a priority list for action on a traffic lights basis.

The Portfolio Holder for Community Safety explained the need to establish clear guidance to ensure that the Council appraised demands for parking schemes fairly, prioritised according to need and demand and was community driven. It also provided a clear role for local Members who were best positioned to know the wishes of their communities. He also commented that the guidance was being 'piloted' in Stone, where school parking was also an issue.

The Chairman welcomed the guidance. He noted that demand for schemes outstripped the Council's ability to provide so it was important to have a clear, fair and evidence-led process for prioritising requests. The Strategic Director (External Services) advised Members that the Council had recognised growing demand in this area and that two new members of staff were being recruited to help to address this.

RESOLVED:

That the Guidance for Prioritising Investigation of Reported Parking Issues and Parking Management Schemes be adopted as part of the Council's process for prioritising reported parking issues in the borough, as outlined in paragraph 3.8 in the report.

147. TOWN CENTRE PUBLIC SPACES PROTECTION ORDER

The Cabinet considered a proposal to implement Part 4, section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to renew a Public Spaces Protection Order (PSPO), in order to suppress incidents of crime and anti-social behaviour occurring in Dartford Town Centre. The intention of a PSPO was to deal with a particular nuisance or problem in a specific area that it considered to be detrimental to the local community's quality of life by imposing conditions on the use of that area which apply to everyone and was designed to ensure that the law-abiding majority of people could use and enjoy public safety safe from anti-social behaviour. The Council could make a PSPO on any public space within its area. The original PSPO had been introduced in 2017 for a three year period and officers had believed that this period began on the implementation date (13 November) rather than the date on which the order had been made (12 September). The current PSPO had therefore lapsed, although the police were confident that other powers could be used if this proved to be necessary in the interim. The PSPO had proved to be an effective measure in dealing with anti-social behaviour in the town centre but unfortunately there was a continuing need which made it desirable for the PSPO to be renewed for a further three years. Before this could happen the Council would need to undertake a statutory consultation with the Police, the Police and Crime Commissioner and other relevant bodies, which would include community representatives, local businesses and their customers. A further report would be submitted to the Cabinet following consultation with a view to making a PSPO for a further three years.

The Chairman noted that the PSPO had worked well and provided a useful tool in ensuring that local people could enjoy public spaces safely and with confidence. He noted that the proposed new PSPO was unchanged from the original PSPO which had come to the end of its three year term.

RESOLVED:

1. That on being satisfied that the anti-social behaviour activities detailed in paras.3.10 and 3.11 of the report are having, or be likely to have, a detrimental effect on the quality of life of those in the locality, are persistent or continuing in nature and unreasonable, the Strategic Director (External Services) be authorised to commence the statutory consultation to enable the Council to renew its Public Spaces Protection Order prohibiting anti-social behaviour associated with the consumption of alcohol, misuse of substances and associated vehicle nuisance, on terms set out in the draft Order at Appendix A to the report, to apply to specific areas of Dartford Town Centre, as shown on the Map at Appendix B; and
2. That, a further report be presented to Cabinet, which takes into account the outcome of the consultation process, with a view to seeking authority for the Head of Legal Services to make the Public Spaces Protection Order for a further period of three years.

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148. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN'S ANNUAL REVIEW LETTER 2020

The Strategic Director (Internal Services) introduced the Local Government and Social Care Ombudsman's Annual Review Letter 2020 relating to complaints against the Council and decisions made by the Ombudsman for the year ending 31 March 2020 and statistics as to the outcomes of investigations.

The Chairman noted the very low number of complaints to the Ombudsman about Council services which were delivered on a daily basis to 106,000 residents. 17 cases had been referred to the Ombudsman in 2019-20, of which 12 had not been investigated because the Ombudsman did not regard them as warranting investigation, and of the 5 cases investigated 4 had been upheld and had been addressed by the Council.

RESOLVED:

That the Local Government and Social Care Ombudsman's Annual Review Letter 2020, attached at Appendix A to the report, and the annual summary of statistics on the decisions made about the Council for the year ending 31 March 2020, attached at Appendix B to the report, be noted.

The meeting closed at 5.55 pm

Councillor J A Kite, MBE
CHAIRMAN

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