

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 7 March 2019 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 Mrs P A Thurlow

119. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Lloyd.

120. DECLARATIONS OF INTEREST

Councillor J A Kite declared an interest in agenda item 13, Design for Ebbsfleet, as he is the Council's representative on the Ebbsfleet Urban Development Corporation Board (minute 126 below refers).

There were no other declarations of interests.

121. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 24 JANUARY 2019

RESOLVED:

That the minutes of the Cabinet meeting held on 24 January 2019 be confirmed as an accurate record.

122. URGENT ITEMS

There were no urgent items.

123. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 4 MARCH 2019

The Cabinet received the minutes of the meeting of Cabinet Advisory Panel B on 4 March 2019 and had regard to the Panel's views throughout the meeting.

124. REFERENCES FROM COMMITTEES - CHILDREN'S BURIALS & FEES & CHARGES

The Chairman announced that there was a reference to the Cabinet arising from a proposed amendment to the Council's budget from the General Assembly of the Council (Budget) meeting held on 25 February 2019. This related to waiving the fees charged for child burials.

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The report explained that the Council currently did not charge fees for the burial of children up to 12 months of age but did charge a fee for burials of children between 12 months and 16 years of age. In the past 3 years 14 children had been buried in Council cemeteries with charges applying in half of these sad circumstances. Following discussion at the General Assembly of the Council (Budget) meeting it was proposed that all Council fees and charges relating to the burial of children resident in the borough under the age of 16 should be waived to spare grieving parents this financial burden at such a difficult time. It was anticipated that this would in future be funded from the Children's Funeral Fund for England once this became operational and any financial impact on the Council would be temporary. During debate it was confirmed that the waiver of fees only applied to public cemeteries for which the Council was responsible and would not include private cemeteries or those cemeteries for which parish councils were responsible. The Cabinet welcomed the proposed amendment to the budget.

RESOLVED:

1. That all Council fees for the burial of children up to 16 years of age who were resident in the Borough be waived with effect from 1 April 2019; and
2. That any consequential financial impact to Bereavement Services be met from existing resources.

125. CONSULTATION ON THE KENT MINERALS SITES PLAN AND REVIEW OF THE KENT MINERALS AND WASTE LOCAL PLAN

The Cabinet considered the Council's proposed response to the latest round of public consultation being carried out by Kent County Council (KCC) on its publication (Regulation 19 pre-submission) versions of the Kent Minerals Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan.

The Head of Regeneration explained that the Council had commented during an earlier round of consultation and KCC had amended parts of the Plans accordingly. The previous consultation had included proposed minerals sites at Central Road and Joyce Green Quarry, Dartford, to which the Council objected. These sites had not been taken forward so it was recommended that the Council should support the proposed minerals sites. The earlier consultation also included changes to the policy for safeguarding mineral resources, which could affect Dartford's ability to achieve objectives set out in the Council's Core Strategy. The current plan continued to include changes to this policy, which KCC intended should apply retrospectively as well as to future applications, despite concerns raised by the Council and other authorities in Kent, and it was recommended that the Council should maintain its objection to this as it could be detrimental to future development.

The Chairman expressed his thanks to officers for their work on this issue and also recorded his appreciation for the support of David Butler, KCC Member for Dartford North East, in lobbying for the removal of the proposed mineral sites at Central Road and Joyce Green Quarry from the original plan.

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RESOLVED:

That the Council's responses to the Kent Minerals Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan, set out in Appendices A and B to the report, be endorsed.

126. DESIGN FOR EBBSFLEET

The Head of Regeneration informed the Cabinet that the Ebbsfleet Development Corporation (EDC) had prepared a design guidance document to assist developers in preparing planning applications within its area and was seeking endorsement of the document by the Council as the plan making authority for part of its area. As development guidance is part of the plan-making function the guidance required endorsement by the Council and Gravesham Borough Council in order to maximise the weight that could be placed on it in decision making. The 'Design for Ebbsfleet' document had been evaluated to ensure that the Council's over-arching strategy would not be undermined by the application of the design guide and that it was broadly compliant with the Council's development plan policies.

Having previously declared an interest in this item the Chairman, Councillor J A Kite, took no part in the vote on this matter.

RESOLVED:

That the Ebbsfleet Development Corporation's 'Design for Ebbsfleet' guide be endorsed as compliant with the Council's development plan policies.

127. HOUSING REPAIRS AND MAINTENANCE MEASURED TERM CONTRACT

The Cabinet considered a report which sought approval to commence the tender of the Housing Repairs and Maintenance Measured Term Contract. The current contract covered all responsive repairs, planned maintenance and capital works to the Council's 4224 properties and 1309 garages and also delivered repairs and improvements to communal areas and external works to 462 leaseholder properties and was due to end on 31st March 2020. The annual value of the contract was in the region of £7M per annum (£2.5M for reactive, voids, and out-of-hours repairs and £4.5M for capital and disabled adaptations works) and it was proposed to combine these works into a single 5 year contract to make the contract more attractive to potential tenderers and to generate efficiency savings for the Council with options to extend the contract for two further terms. The total estimated contract value could therefore be £108M over a fifteen year period to be met from the Housing Revenue Account.

The Strategic Director (External Resources) explained that this was one of the biggest contracts offered by the Council and the procurement process was therefore designed to ensure that the Council received an excellent service. The Cabinet Advisory Panel (CAP) had questioned whether the duration of

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the proposed contract was appropriate for this type of contract and the Head of Housing had explained that there were no set views about this among procurement professionals but a contract of this duration was not unusual and there were clear break clauses which meant that it could be ended quickly if this proved to be necessary. Contracts offered on a short timescale tended to attract high price tenders so it was a question of striking a good balance. CAP had also asked whether Brexit would have any impact on the procurement and was advised that all of the current requirements were now enshrined in UK legislation so that leaving the EU would have no impact on the process.

The Chairman asked for more information on the consultation process and it was explained that this would include the Residents' Forum, Councillors and other key stakeholders with the intention of reporting the outcome of the tender process to Cabinet in December 2019 in time for the new contract to start in April 2020.

The Cabinet Portfolio Holder for Front Line Services, Customer Champion & Housing welcomed the process and hoped that this would deliver an excellent result.

RESOLVED:

That, subject to compliance with EU procurement rules, the Strategic Director (External Services) be authorised to tender the Housing Repairs and Maintenance Contract and enter into a contract with the successful bidder on terms to be agreed with the Head of Legal Services to commence on 1 April 2020.

128. DRAFT MAJOR WORKS AND SERVICE CHARGES POLICY FOR LEASEHOLDERS

The Cabinet considered the proposed draft Major Works and Service Charges Policy for Leaseholders which set out the terms on which the Council would seek to recover major works costs incurred on leasehold properties by recharging respective leaseholders. The policy contained information for leaseholders on charges, payment options, legislative information and types of major works and attempted to balance the Council's financial requirements, including cash flow issues, whilst allowing fair and transparent repayment terms for leaseholders.

The Strategic Director (External Services) explained that the report had drawn together legislation and guidance into a single policy and was designed to help leaseholders by being informative and clear over mutual obligations. There were two types of leaseholders, those who had purchased a leasehold property as an investment opportunity and those who had purchased the property to live in themselves. The Council recognised that leaseholders required sufficient notice of major works and, although it was not possible to give a guaranteed timeframe in practice leaseholders received at least 3 years advance notice of the timing of major works. It was also recognised that there were circumstances in which it might be appropriate for leaseholders to be given more flexible payment options and the policy sought to be fair and

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transparent in this respect. These flexible options would only apply to properties where the leaseholder was resident rather than where the lease had been purchased as an investment.

RESOLVED:

That the draft Major Works and Services Charges Policy for Leaseholders, attached at Appendix A to the report, be approved.

129. DRAFT POLICY FOR OFFERING ACCOMMODATION IN DISCHARGE OF THE COUNCIL'S HOMELESSNESS FUNCTIONS

The Cabinet considered the Council's Draft Policy for Offering Accommodation in Discharge of the Council's Homelessness Functions. This related to accommodation of homeless households in long term temporary accommodation and private rented sector accommodation where there was a housing duty upon the Council under the relevant homeless legislation and applied to households placed both inside and outside the Borough.

The Strategic Director (External Services) explained that the policy met the requirements of legislation and recent case-law and had been drafted to ensure that the Council had robust and transparent procedures in place to meet the growing demands on its services.

The Cabinet welcomed the clarity of the policy and commended the work of officers in the Housing Department.

RESOLVED:

That, for the reasons outlined in the body of the report, the draft Policy for Offering Accommodation in Discharge of the Council's Homelessness Functions, attached at Appendix A to the report, be endorsed.

130. WRITE OFF OF NATIONAL NON-DOMESTIC RATES

The Cabinet considered a report which proposed to write-off National Non-Domestic Rates amounting to £77,939.84 where it had not been possible to obtain payment because of insolvency, because the ratepayer could not be traced or where the debt was otherwise irrecoverable.

RESOLVED:

That the sums shown in exempt Appendix A in the confidential part of the report, amounting to £77,939.84, be written-off as uncollectable.

131. WRITE-OFF OF HOUSING BENEFIT OVERPAYMENTS

The Cabinet considered a report which sought approval to write-off Housing Benefit Overpayments amounting to £37,413.11 where recovery was prohibited, not appropriate or where the customer had absconded.

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RESOLVED:

That the sum of £37,413.11, shown in exempt Appendix A to the report in the closed part of the agenda, be written-off as irrecoverable.

132. HOMELESSNESS UPDATE - HOMELESSNESS REDUCTION ACT 2017

The Cabinet received a report which provided an update on the impact of the provisions of the Homelessness Reduction Act 2017 on the Council's Housing Solutions Service since its implementation from April 2018.

The 2017 Act imposed several new duties, many of which required a change in working practices and additional resources. The main changes were:

- More focus on preventing homelessness i.e. earlier and proactive casework
- Duty to prevent and relieve homelessness for up to 56 days or longer including those threatened with homelessness even where the applicant or household is not priority need or is intentionally homeless or has no local connection
- Duty to assess and produce personal housing plans for each applicant/household
- Duty on identified public bodies to notify the local authority if they become aware of a person or household who is homeless or at risk of homelessness
- New rights to review homeless decisions for applicants
- Duty to provide additional choices for care leavers

Although the Council received New Burdens funding from Government to implement the changes this was significantly lower than the amount required to implement all the necessary changes. The Housing Options and Private Sector Team was reviewed and restructured in order to meet the demands placed upon the Council by the 2017 Act and a triage approach adopted to enable decisions to be made quickly and effectively thereby giving greater opportunity to prevent homelessness earlier. A 'Multi-Agency Hub' was created within the Housing Solutions Team to enable easier collaboration with key partners and agencies and had proved so successful that the Government shares the model as good practice at national events. The new duties also presented significant challenges which were being addressed successfully and the Council was working hard to prevent homelessness and to fulfil its obligations under the Act. However, since the introduction of the Act in April 2018 there had been a 153% increase in homeless applications and, despite a 40% reduction in the number of households in temporary accommodation this had not been reflected in reduced spending on temporary accommodation, and the increase in the number of preventions had resulted in an increase in spending on homelessness prevention. The financial implications were detailed in the report.

The Strategic Director (External Services) explained that the Council's approach to homelessness was working well and that the number of

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households in temporary accommodation had fallen significantly over the past couple of years and cited the success of Council interventions. There had been important changes in how the Council tackled homelessness prevention which had been necessary to meet the challenges presented by increasing demand and changes introduced under the Homelessness Reduction Act 2017 and the Council was seen as a leading innovator and exemplar. The Council had received a significant increase in homeless applications and whilst delivering more homelessness preventions and being able to reduce placements in nightly paid accommodation this unfortunately did not translate into a reduction in spending and budgets were under considerable pressure.

The Cabinet welcomed the policy, commended the work, enthusiasm and innovation of officers in the Housing Department, and the work with external partners and the success of the multi-agency hub.

RESOLVED:

That the contents of the report be noted.

133. CORPORATE PLAN - KEY ACTIONS AND PERFORMANCE INDICATORS FOR THE THIRD QUARTER OF 2018-19

The Cabinet considered a report which detailed progress against the latest set of Corporate Plan key actions and performance indicators for quarter 3 of 2018/19.

RESOLVED:

That the contents of the key action and performance monitoring reports attached at Appendices A and B to the report be noted.

134. REPORT OF DELEGATED ACTION TAKEN UNDER STANDING ORDER 38: AWARD OF THE CONTRACT FOR THE INSPECTION AND MAINTENANCE OF PLAYGROUNDS

The Cabinet considered a report which detailed the actions of the Managing Director, taken under delegated authority and in consultation with the Cabinet Chairman in accordance with Standing Order 38(2)(a), in relation to the award of the contract for the Inspection and Maintenance of Playgrounds 2019-2024 to Continental Landscapes Ltd. Urgent action was required as operational preparations for the implementation of the new contract, including TUPE, had to be completed by 31 March 2019.

RESOLVED:

That the action taken by the Managing Director, in consultation with the Cabinet Chairman, under Standing Order 38(2)(a), in relation to the award of

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the contract for Inspection and Maintenance of Playgrounds 2019-2024 to Continental Landscapes Ltd, be noted.

135. WRITE-OFF OF NATIONAL NON-DOMESTIC RATES - EXEMPT APPENDIX A - EXEMPT CATEGORY SO46(1)(B)

RESOLVED:

That following discussion of the main report (minute 130), the exempt appendix be noted.

136. WRITE-OFF OF HOUSING BENEFIT OVERPAYMENTS - EXEMPT APPENDIX A - EXEMPT CATEGORY SO46(1)(B)

RESOLVED:

That following discussion of the main report (minute 131), the exempt appendix be noted.

The meeting closed at 7.44 pm

Councillor J A Kite, MBE
CHAIRMAN

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