

DARTFORD BOROUGH COUNCIL

**CABINET**

**MINUTES** of the meeting of the Cabinet held on Thursday 10 December 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 A R Lloyd  
Councillor Mrs P A Thurlow  
Councillor R J Wells

**ALSO PRESENT:** Sarah Martin, Strategic Director (Internal Services)  
Sheri Green, Strategic Director (External Services)  
Sonia Collins, Head of Planning Services  
Paul Blake, Interim Transformation Manager  
Alan Twyman, Democratic Services Manager

**168. APOLOGIES FOR ABSENCE**

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

**169. DECLARATIONS OF INTEREST**

There were no declarations of interests.

**170. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 29 OCTOBER 2020**

RESOLVED:

That the minutes of the meeting of the Cabinet held on 29 October 2020 be confirmed as an accurate record.

**171. URGENT ITEMS**

There were no urgent items.

**172. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 7 DECEMBER 2020**

The Chairman explained the remit of the Cabinet Advisory Panels and how they fed their views into Cabinet meetings, for the benefit of any Members of the public viewing the meeting on YouTube.

The Chairman paid tribute to Ian Armitt who had tendered his resignation as a Councillor on Monday. He described Mr Armitt's dedicated service to the Council and people of Dartford over many years. During this time he had served three times as Mayor, with his wife Lynn as his Mayoress, and had successfully brought a modernity to that office but with strong links to the

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

heritage of the borough. Mr Armitt had served on many committees, boards and panels, and had been the Vice-Chairman of the Cabinet Advisory Panel A until his resignation. He was also a dedicated advocate and supporter of the Orchard theatre. The Cabinet expressed their best wishes to Mr & Mrs Armitt for the future.

The Cabinet received the minutes of the meeting of the Cabinet Advisory Panel A held on 7 December 2020 and had regard to the Panel's views throughout the meeting.

**173. REFERENCES FROM COMMITTEES**

There were no references from other committees.

**174. COMMUNITY INFRASTRUCTURE LEVY: FUNDING REVIEW 2020**

The Head of Planning Services presented an updated copy of a report which described progress with the Indicative 5-Year Delivery Programme of potential infrastructure projects that could be supported by funding secured through Dartford's Community Infrastructure Levy (CIL). The report also detailed the progress that had been made over the past year with regard to projects within Dartford's Infrastructure Delivery Plan (IDP), CIL receipts and a prospective mechanism that would enable the release of CIL retained for unparished areas to fund locally focused projects. The report also advised Members of a new requirement to publish an annual Infrastructure Funding Statement, with the first statement detailing the CIL receipts and s106 contributions for 2019/20 to be published by 31<sup>st</sup> December 2020. Details of the CIL receipts were shown in Appendix A. In the financial year 2019/20 the Council's CIL receipts had amounted to £3.794m of which £114,700 had been transferred to the Parish/Town Council's (15% of the CIL receipts from development in their areas) whilst the Council also retained 15% of CIL receipts in unparished parts of the borough, amounting to £468,800. The total amount of CIL receipts retained for funding strategic infrastructure projects in 2019/20 was £3.140m and it was estimated that potential CIL receipts for the next 5 years could be in the region of £18-20m, although this could vary.

Appendix B to the report detailed the IDP which was divided into three sections. Part 1 of the IDP described fully funded projects including the Dartford Town Centre Regeneration project, Rivermill Primary School and the secondary school at Stone Lodge, improvement works to the Bean and Ebbsfleet junction on the A2, and the start of work on a new primary school at Ebbsfleet Green. Part 2 described projects that could potentially be enabled by CIL monies, including additional works in Dartford Town Centre, a pedestrian/cycle bridge over the River Darent, primary school expansion within the Dartford North area, a new 2 form entry primary school at Stone, Dartford Town Centre Health and Well Being Hub, a new primary care facility in the Stone/Greenhithe area and improvements to the Darent Valley Path and associated waymarking.

These projects were considered to be necessary to support development in the Borough and, on the information currently available, were likely to meet

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

the CIL Assessment Criteria. These schemes were recommended for inclusion in the indicative CIL Delivery Programme for 2021/22 to 2025/26 contained in Appendix C to the report and it was hoped that works could be delivered on three projects (Dartford Northern Gateway Bridge, primary school expansion in North Dartford and the Darent Valley Path and way-marking) during 2021/22. The final Part of the IDP detailed those schemes that were less advanced but where feasibility work was ongoing' including scope for future Fastrack projects, the future expansion of Darent Valley hospital and possible medium to long term solutions to traffic congestion at junction 1A on the M25.. The report also detailed the work of the Leader's Advisory Group on CIL and the amount of CIL income distributed to the Parishes and Town Council along with the amounts available to spend on projects in unparished areas.

The Head of Planning Services drew attention to the amended figures in the updated report and Appendix A and explained that although up to an additional 5% of CIL receipts could be used for administrative costs to support the resources need to cover the collection, governance, reporting and spending of CIL receipts the Council had in fact spent 1.85% of CIL for this purpose, thereby ensuring that a larger percentage of receipts could be used to provide infrastructure.

The Cabinet noted the comments raised by the Cabinet Advisory Panel and the clarification that had been provided on the matters raised. The Chairman noted in particular comments made about works associated with the inland border facility at Ebbsfleet but stressed that the CIL was designed to provide long term infrastructure rather than modifications to what would only be a temporary facility.

RESOLVED:

1. That the Indicative 5-Year Delivery Programme as set out in Appendix C to the report, be agreed as a basis for ongoing liaison with the relevant infrastructure providers and further development of the identified schemes;
2. That, once individual projects within the Indicative 5-Year Delivery Programme are sufficiently progressed to demonstrate they are deliverable, further reports be submitted to Cabinet for decisions on the release of CIL funding contributions towards them;
3. That delegated authority be granted to the Head of Planning Services to publish the Infrastructure Funding Statement, in accordance with Government guidance, incorporating the CIL monitoring shown in Appendix A to the report; and
4. That the work on developing governance arrangements to enable the release of CIL funds retained for unparished areas is noted and that the conclusion of this work will be the subject of a further report to Cabinet for approval.

CHAIRMAN'S INITIALS

**175. PHASES 1A AND 2 DARTFORD TOWN CENTRE REGENERATION**

The Cabinet considered a report which advised them of the outcome of the re-tendering of the contract for the Town Centre Regeneration Phase 1A (High Street) and Phase 2 (Instone Road/Highfields Road junctions) construction works and sought approval for the award of the contract to the successful tenderer(s). The report also explained the time criticality to place orders for certain building materials as soon as possible in order that works on these phases of the project could start in January 2021.

The Chairman explained that town centre regeneration was an ongoing project and that the initial phases were nearing completion and were designed to protect and enhance facilities in the town centre and that the action being taken now was to progress the next phases of the regeneration works.

**RESOLVED:**

1. That the details of tenders shown at Appendix A in the exempt part of the Agenda be noted; and
2. That authority be granted to the Strategic Director (External Services) to accept the winning tender(s), as identified in exempt Appendix A to the report, and for the Strategic Director (External Services), in consultation with the Head of Legal Services, to enter into contract(s) for the construction phase of Phase 1A (High Street) and Phase 2 (Instone Road/Highfields Road junctions) of the Dartford Town Centre Regeneration project with the successful tenderer(s).

**176. TOWN CENTRE PUBLIC SPACES PROTECTION ORDER**

The Cabinet considered a report which sought authority to make a Public Spaces Protection Order (PSPO) pursuant to Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, to suppress the incidents of crime and anti-social behaviour occurring principally in Dartford Town Centre.

Members were reminded that the Cabinet had considered this proposal at its meeting in September and that since that time the proposals had been through public consultation. The intention of a PSPO was to deal with a particular nuisance or problem in a specific area that was 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 which ended in September 2020 and the proposed new order was effectively a renewal of that order.

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

The report contained a detailed review of the operation of the PSPO and the outcome of the statutory consultation that had been carried out on the proposal to make a further PSPO, which had resulted in support for the making of the order by the Police and Crime Commissioner for Kent and the Local Police Divisional Commander and from 89% of the respondents to the consultation. Whilst the PSPO had proved to be an effective measure in dealing with anti-social behaviour in the town centre, in conjunction with other powers, the police did not see themselves as the primary enforcement agency of the PSPO but had agreed to provide further training on the use of PSPO powers to response officers so that they could use the powers when appropriate to do so in their normal patrol work. They also stated that when appropriate, the Town Centre Officers would use the powers to deal with more persistent local problems. They also would be supportive of using the powers when working as part of joint operations with other community safety partners. It was noted that powers available under a PSPO would be applied with discretion and proportionality and that this was not a panacea for dealing with anti-social behaviour but provided additional options to the other measures available.

The Cabinet noted that the Cabinet Advisory Panel had supported the making of the PSPO and the comments made by Members at that meeting.

The Chairman reminded Members that the Council had embraced the legislative changes that had enabled PSPO's to be made and that Dartford's PSPO had been carefully constructed to provide powers that could be used constructively and proportionally to deal with anti-social behaviour. He suggested that PSPO's had sometimes been used inappropriately in other areas and had lost credibility as a result. Because Dartford had always focussed on the issues that affected residents the PSPO had been well supported by the local police. He noted the response by the police to the consultation and their position over the responsibility for enforcement and welcomed their willingness to undertake training so that officers could assist in enforcement during the course of their normal duties, where appropriate. He noted that having a PSPO in place was not merely about enforcement but also about deterrent, it was about outcomes rather than sanctions. The initial PSPO had worked well and the new PSPO was essentially a renewal of that order for a further three years.

The Cabinet Portfolio Holder for Community Safety also welcomed the new PSPO and explained that because the contents of the order complemented the Police and Crime Commissioner's objectives the police were more likely to assist in using the PSPO in addition to the other powers available.

**RESOLVED:**

1. That, on being satisfied that the anti-social behaviour activities detailed in paragraphs 3.8 to 3.10 of the report are having, or likely to have, a detrimental effect on the quality of life of those in the locality, are persistent or continuing in nature, are unreasonable and that on the basis that the consultation process, (as outlined in Appendix C to the report), confirms

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

local support for the making of the PSPO, the Public Spaces Protection Order 2020 – Dartford Town Centre be made on terms set out in Appendix A to the report; to apply to specific areas of Dartford Town Centre, as shown on the Map at Appendix B to the report;

2. That the Strategic Director (External Services), in consultation with the Head of Legal Services, be authorised to undertake the statutory notice process for the making of the Order in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014; and
3. That the fixed penalty notice fine be set at £100, with a 50% discount if paid within 10 days.

**177. INFORMATION TECHNOLOGY RESILIENCE ARRANGEMENTS**

The Strategic Director (Internal Services) presented a report which advised Members that a recent external audit review of the Council's current Disaster Recovery Plan had highlighted the need to improve the Council's IT resilience arrangements in the event of a failure of, or loss of access to, its critical IT systems. The current Disaster Recovery Plan relied upon a single server installed at a disaster recovery site (DR) away from the Civic Centre. This could deal with a partial systems failure but in the event of a total failure, further servers would need to be purchased and installed before full recovery could be achieved and the recovery timeframe could not be guaranteed. The report detailed the risks and possible solutions, including cloud and software solutions, joint arrangements with other authorities and hardware 'quick ships'. It was however considered that the most effective solution was to increase the existing disaster recovery site capabilities by replacing all of the ageing hardware at the Civic Centre with new hardware and migrating older servers and associated equipment to the DR site to mirror the operational configuration and provide a full disaster recovery solution. This would allow for timely and predictable recovery with no reliance on external factors. It was intended that the proposals would be funded from EU Transition funding aimed at supporting business continuity arrangements.

The Cabinet noted the concerns raised by a Member at the Cabinet Advisory Panel and the clarification provided by the Strategic Director (Internal Services) at that meeting as to the intended implementation of the new arrangements by the end of the financial year, the processes for copying data across to the DR site and the daily back-up of data, testing arrangements (initially annually and then possibly every six months) and reviewing the condition of equipment at the DR site. The servers transferring across were two and a half years old and had a life expectancy of five years.

The Chairman welcomed the proposals and the intention to start testing straight away. The Strategic Director (Internal Services) confirmed that testing would include data integrity and stressed the importance that the Council placed on data security, which was externally validated annually. The Cabinet Portfolio Holder for Finance also welcomed the proposals but recommended that in future the Council might consider cloud based storage and that this should be on servers hosted in the UK.

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

RESOLVED:

That the Council's IT resilience arrangements be enhanced by replacing the ageing hardware in the Civic Centre and migrating the older hardware to the disaster recovery site, to ensure an effective and timely failover in the event of a failure of, or loss of, the IT systems in the Civic Centre

**178. FINANCIAL CONTRIBUTIONS TO PARISH AND TOWN COUNCILS 2021/22**

The Cabinet considered a report which detailed the level of proposed financial contributions to be paid to Parish and Town Councils in 2021/22 and the continuation of the Capacity Building Fund.

The Chairman welcomed the fact that the Council still made financial contributions to the parish and town councils, in addition to the funding it provided via the Capacity Building Fund, and this funding had been maintained at a time where the council's income from Council Tax had been adversely affected by COVID.

RESOLVED:

1. That the following contributions be made to Parish and Town Councils to compensate for lost council tax income in local areas for the introduction of the council tax support scheme:

£

Bean	334
Darenth	1,923
Longfield	631
Southfleet	198
Stone	7,021
Sutton at Hone and Hawley	1,737
Swanscombe and Greenhithe	14,435
Wilmington	1,317

2. That the contributions be made subject to the Parish and Town Councils submitting suitably analysed details of estimated net expenditure for the ensuing year by 31 January each year, and actual net expenditure for the preceding year no later than six months after the end of each financial year, in a format prescribed by the Council;
3. That the payments be made in two equal instalments; the first on 30 April (or next working day) and the second, the latter of 30 September (or next working day) or seven days following receipt of the Parish or Town Councils' 2020/21 accounts, certified as correct by their Clerks;

CHAIRMAN'S  
INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

4. That the Council continues to operate the Capacity Building Fund and makes a contribution of £40,000 into the fund in 2021/22;
5. That the Strategic Director (Internal Services), be granted delegated authority, in consultation with the Leader and Deputy Leader of the Council, to agree the Capacity Building Fund bidding criteria; and
6. That Capacity Building Funding bids from Parish and Town Councils be submitted to the Grants Panel, and that the Strategic Director (Internal Services) be delegated authority to approve the award of the bid(s), on the recommendation of the Grants Panel.

**179. LOCAL SCHEME OF SUPPORT FOR COUNCIL TAX**

The Cabinet considered a report which proposed that the Cabinet should recommend that the current Local Council Tax Reduction Scheme should roll forward to 2021/22.

Members welcomed the rolling forward of the current scheme, which had been simplified to make it more accessible, and noted the importance of providing support to those struggling to pay council tax in the current environment.

RESOLVED:

That it be recommended to the General Assembly of the Council that the Local Council Tax Reduction Scheme 2020/21 be rolled forward to 2021/22 with effect from 1 April 2021.

**180. REVENUE BUDGET MONITORING 2020/21 - PROJECTED OUTTURN AND 2021/22 BUDGET PROCESS**

The Strategic Director (Internal Services) presented a report which detailed the projected outturn on the General Fund and the Housing Revenue Account, and the reasons for significant variances, and sought approval for the budget setting process for 2021/22.

The Strategic Director (Internal Services) advised Members that the Council had incurred increased costs and loss of income due to the impact of COVID. However the £1.8m grant provided by the Government to cover increased costs was expected to meet these costs whilst the loss of income would be largely mitigated by Government grant. For the period April-July 2020 the Council had received £293K of central funding for lost income on the basis that the Council would bear the first 5% of the budgeted income with the Government covering 75% of the cost of the balance of lost income. In any event the Council was projecting an overall underspend of around £900K which means that the contribution to reserves and balances could be increased.

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

The Cabinet Portfolio Holder for Finance explained that, despite the loss of income from business rates and council tax the Council was being very supportive to those in financial need, which was consistent with the Council's overall approach to the pandemic. As a result the Council's non-collection rate was higher than in some neighbouring authorities but it was important to provide support in the current environment where it was needed.

The Chairman noted the support being provided but reminded Members that it was also important to ensure that the impact of COVID did not camouflage any structural issues. He noted the strength of the Council's financial processes and that the prudent approach to financial management taken in the past had placed the Council in a stronger position than most authorities to deal with current challenges.

RESOLVED:

1. That Members note the projected outturn position for the General Fund and the Housing Revenue Account; and
2. That the Strategic Director (Internal Services) and the Head of Finance be granted delegated authority to determine and publish the 2020/21 draft budget, in consultation with the Leader and the Finance Portfolio Holder, prior to the budget being presented to the General Assembly of the Council for approval on 1<sup>st</sup> March 2020.

**181. CAPITAL BUDGET MONITORING 2020/21 - PROGRESS AND PROJECTED OUTTURN**

The Cabinet considered a report which detailed the progress to date on the schemes contained in the approved Capital Programme 2020/21 and the current position on capital resources.

The Chairman clarified the reason for proposing to bring forward £2.208m from the New Homes budget, which could appear to suggest a significant capital overspend in 2020/21. He explained that this was not the case but was necessary to ensure that the Council did not have to repay a proportion of capital receipts to the Government accruing from right-to-buy sales of Council housing and the provision of replacement housing under 1-4-1 funding arrangements. The requirement to repay receipts not spent on providing replacement housing within a specific timeframe did not respect the ebb and flow of the market for sales and the development and re-provision of housing and it was prudent to bring forward funding from the New Homes budget for 2021/22 to achieve a beneficial outcome.

RESOLVED:

1. That the Cabinet notes the progress made to date on the 2020/21 Capital Programme; and

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

2. That the Cabinet recommends to the General Assembly of the Council that it agree to bring forward £2.208m from the New Homes budget for 2021/22 to fund new homes spend in 2020/21.

**182. DELEGATED DECISION UNDER S038: LOCAL RESTRICTIONS SUPPORT GRANTS (CLOSED) AND ADDITIONAL RESTRICTIONS GRANTS**

The Cabinet received a report which informed it of delegated action taken under Standing Order 38(2)(a) by the Strategic Director (Internal Services), in consultation with the Cabinet Chairman, in relation to the implementation of arrangements under the Local Restrictions Support Grants Scheme (Closed) and the Additional Restrictions Grants Scheme and the endorsement of supporting policies.

RESOLVED:

That the Cabinet notes the action taken by the Strategic Director (Internal Services), in consultation with the Cabinet Chairman, under Standing Order 38(2)(a), in relation to the implementation of arrangements under the Local Restrictions Support Grants Scheme (Closed) and the Additional Restrictions Grants Scheme and the endorsement of supporting policies.

**183. MINUTES OF THE MEETING OF THE STRATEGIC HOUSING BOARD HELD ON 14 OCTOBER 2020**

The Cabinet received the minutes of the meeting of the Strategic Housing board held on 14 October 2020.

The Chairman commended the work being carried out by the Strategic Housing Board, under the chairmanship of Councillor Mote, with strong cross party support. The local housing market was of great importance with strong demand for both private and social housing in the borough. The Board had been undertaking an important piece of work to make information on opportunities within the borough more accessible and intuitive for anyone looking for housing and this work would be available shortly on the Council's web site.

RESOLVED:

That the minutes of the meeting of the Strategic Housing Board held on 14 October 202 be noted.

**184. PHASES 1A AND 2 DARTFORD TOWN CENTRE REGENERATION - EXEMPT APPENDIX A (EXEMPT CATEGORY SO46(1)(B) ANNEX 1 PARAGRAPH 3)**

RESOLVED:

That, following consideration of the main report, Phases 1A and 2 Dartford Town Centre Regeneration, (minute 175), Exempt Appendix A be noted.

CHAIRMAN'S INITIALS

CABINET  
THURSDAY 10 DECEMBER 2020

The meeting closed at 5.46 pm

Councillor J A Kite, MBE  
CHAIRMAN

CHAIRMAN'S INITIALS

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