

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 22 July 2021 at 7.00 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 - Chief Officer & Director of Corporate Services
Peter Dosad - Director of Housing & Public Protection
Caroline Hicks - Director of Growth & Community
Alan Twyman - Democratic Services Manager

25. APOLOGIES FOR ABSENCE

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

The Cabinet sent their congratulations to Councillor Oliver for his recent marriage to Kyle.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 24 JUNE 2021

The Cabinet considered the minutes of the meeting held on 24 June 2021.

28. URGENT ITEMS

There were no urgent items.

29. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 19 JULY 2021

The Cabinet received the minutes of the meeting of Cabinet Advisory Panel B held on 19th July 2021 and had regard to the Panel's views throughout the meeting.

RESOLVED:

That the minutes of the meeting of Cabinet Advisory Panel B held on 19th July 2021 be noted.

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30. REFERENCES FROM COMMITTEES

There were no references from other committees.

31. DRAFT FIT AND PROPER PERSON FEES POLICY - THE MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE A FIT AND PROPER PERSON)(ENGLAND) REGULATIONS 2020

The Cabinet received a report which reminded Members that the Cabinet had approved the Council's Fit and Proper Person Determination Policy at its last meeting on the 24 June 2021 (Minute No. 9/21 refers). That Policy had set out the matters and considerations taken into account for assessing and determining applications for a fit and proper person test for the owners and site managers of relevant mobile home sites. Site owners had three months from the 1 July 2021, up until and including 30 September 2021, to submit completed applications to local authorities.

The Council may charge fees in respect of the new fit and proper person test function and must prepare and publish a fees policy before it can charge a fee. Where the fees policy is revised, the Council must publish the revised policy and act in accordance with that policy. It was therefore proposed that application fees should be introduced from 1 October 2021, thereby incentivising applicants to apply within the permitted three month timeframe.

The Cabinet considered the draft Fit and Proper Person Test Fees Policy, attached at Appendix A to the report, to provide for a robust and consistent approach to the process. The draft Fees Policy set out the following:

- the fees payable for applications for an entry on the register;
- the matters and appropriate costs taken into account in setting each type of fee;
- the method of apportionment of those costs in setting those fees; and
- such other matters as the Council considers to be relevant.

The hourly rate for undertaking a fit and proper person assessment and/or checks to be included on the fit and proper person register was included in Appendix 1 of the Fees Policy. It was proposed that the total fee for processing an application for a relevant person to be included on the fit and proper person register should be £255, subject to annual review. This fee would not be refunded where an application for inclusion in the register was rejected.

RESOLVED:

1. That the draft Fit and Proper Person Fees Policy, attached at Appendix A to the report, be approved; and
2. That the Director of Housing and Public Protection be granted delegated authority to approve any in-year revisions to the Fit and Proper Person Fees Policy, as required, subject to publication of the revised Policy.

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32. CONSULTATION ON LONDON BOROUGH OF BEXLEY LOCAL PLAN REGULATION 19 PROPOSED SUBMISSION VERSION

The Cabinet was informed that the London Borough of Bexley was currently consulting on the proposed submission version of the next iteration of the Bexley Plan, which set out where development would be located within the Borough up to 2038. The Plan described the spatial strategy for Bexley and the policies that it intended to apply to deliver housing, economic development, an integrated and sustainable transport system and transport infrastructure, and commitment to protect the Green Belt. The Council's proposed submission, attached at Appendix B to the report, was broadly supportive of the contents of the Bexley Local Plan and noted the importance of the area of Green Belt between the two boroughs and shared transport concerns. The report also noted that authorities had a duty to co-operate with each other on strategic matters which crossed administrative boundaries, that meetings had taken place between officers of both authorities throughout the Local Plan production process and that both parties were working towards the production of a statement of common ground in advance of the submission of the Bexley and Dartford Local Plans later in the year.

The Chairman noted the comments made by the Chairman of Cabinet Advisory Panel B and his wish for Dartford's response on the consultation on the Bexley Local Plan to be amended to highlight his concerns about further development impacting on the M25 junction at Bob Dunn Way, which already suffered from heavy traffic congestion, which would be worsened by the planned construction of a commercial warehouse in the area.

The Director of Growth & Community explained that the Council's officers had worked closely with their counterparts from Bexley and that changes had been made to the proposed Local Plan in response to comments made by DBC. However Bexley had to deliver the requirements contained in the London Plan. Most of the development would be in the west of the borough of Bexley and could impact upon traffic flows between the two boroughs. It was noted that the Local Plan had respected the integrity of Dartford marshes.

The Chairman did not feel that the response to the consultation should be amended on the basis of concerns about a particular application. He suggested instead that a side-letter should accompany the response and should thank Bexley for their co-operation and the changes made during the consultation process but also drawing attention to Dartford's sensitivity to traffic that could be generated to the east of their schemes which could impact on the junction with the M25. He noted reference in the Plan to Dartford Borough Council supporting the extension of Crossrail but explained that this is a long term project with a number of issues still to be worked through.

RESOLVED:

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That the Council's response to the Bexley Proposed Submission Local Plan, set out in Appendix B to the report, be endorsed.

33. AIR QUALITY ACTION PLAN

The Director of Housing & Public Protection presented a report which detailed recent data collected relating to Air Quality in the Borough. The report explained the different content and sources of air pollution, including what constituted 'background pollution' and localised sources of air pollution. It also explained the measures in place to assess air pollution across the borough and the operation of the four 'Air Quality Management Areas' (AQMA's) in the Borough where pollutants had been found to exceed required legal levels. The location of air quality monitoring stations were described along with details of data collected by the Council. It was noted that levels of NO₂ had decreased at the majority of the 55 monitoring sites across the borough in 2019, and that the 7 sites which breached the annual objective level were located in the AQMA's. Levels of PM₁₀ had also remained well below objective levels and there had been a downward trend in air pollution since 2013.

Where a local authority had established an AQMA it had a statutory duty to produce an Air Quality Action Plan (AQAP) detailing measures to improve air quality. Whilst the AQAP's produced by the Council in 2001 and 2009 had served the borough well, many of the measures included in the plans had been implemented. It was felt to be sensible to revisit and update the plans, in line with the Council's priorities to address these issues and to create cleaner and greener places to live and work. The report detailed the steps necessary to produce a new AQAP. This had included carrying out a review of air quality and the local sources of pollution. In addition to this work, it was proposed to revoke AQMA4 (Bean Interchange) as air quality had improved significantly at the Bean AQMA and because, as a result of Highways England improvements at the road junction, the residential properties that existed when the AQMA had originally been declared, were no longer present. It was intended to re-locate the monitoring station.

In response to a question, the Director of Housing stations & Public Protection gave details of the locations of the testing stations and explained how data was collected from other sites across the borough on a regular basis and reported as part of the data collected for London.

The Vice-Chairman asked whether there were any concerns about air quality across the borough. The Director of Housing & Public Protection explained that air quality was a priority for the Council but levels of pollutants were generally falling across the borough, but it was important to monitor this continuously and to target any particular areas of concern through mechanisms such as the Planning process. Most of the issues around poor air quality were related to traffic, speed flows and engine stress and there were measures that could mitigate these.

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RESOLVED:

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1. That Cabinet notes the report contents, air quality findings and associated work; and
2. That, following A2 road junction improvement works and the subsequent removal of residential properties at the Bean Interchange, Cabinet authorises the Environmental Health Manager to revoke AQMA 4 (Bean Interchange) under section 83(2)(b) of the Environment Act 1995, for the reasons outlined in paragraphs 3.33 to 3.36 of the report. The Environmental Health Manager will then oversee the re-installation of the monitoring station at an appropriate location, once the works have been completed.

34. REVIEW OF THE SCHEME OF DELEGATIONS TO OFFICERS

The Cabinet received an update on the Scheme of Delegations to Officers. Members were reminded that legislation permitted the delegation of the respective functions of the Council and Executive to officers. The delegation of functions to officers reduced the amount of detailed decision making required to be carried out directly by the General Assembly of the Council and by the Cabinet, enabling those bodies to focus on strategic policy issues, major matters of substance and maintaining oversight of the Council's activities. The Scheme of Delegations detailed the parameters of the delegations and who could exercise the delegations. To ensure that the Scheme of Delegations remained fit for purpose an annual review was carried out by the Head of Legal Services, in conjunction with Directors and Heads of Service. However, in view of recent organisational change, and the fact that the delegations had not been considered by the Cabinet and GAC for some time, it was considered appropriate to present the updated Scheme of Delegations to them for approval.

The Chairman said that, although Dartford was a Member-led authority, it made sense that routine and operational decisions were delegated to officers. The Scheme of Delegations to Officers had worked well and the delegations were sensible, rational and appropriate.

RESOLVED:

That Cabinet, in pursuance of powers under Sections 14(3)(b) & (5) of the Local Government Act 2000 and all other powers enabling, continues to delegate to Officers, to the extent of its respective powers, the Cabinet functions referred to in the Preamble to the Scheme of Delegations to Officers and the Sub-delegations, at Appendices A and B to the report and contained in the addendum.

**35. CAPITAL PROGRAMME INCLUDING PRUDENTIAL INDICATORS -
OUTTURN 2020/21**

The Chief Officer & Director of Corporate Services presented a report which detailed the final pre-audit figures for the 2020/21 Capital Programme, the

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capital resources that were used to fund it and those that remained available to fund future investment. There had been an underspend of £1.7M on Council housing projects, which was mainly due to COVID and a national shortage of building materials, but it was proposed to carry forward most of the underspend to 2021/22. There had also been an underspend of £2.89M on the General Fund for the reasons outlined in the report, of which some £2.18M was due to delays to town centre transport and public realm improvements because of the need to re-tender the works.

Attention was drawn to the addendum to the report, which had been circulated electronically and published on the Council's web site, which contained a revised Appendix C and the revised recommendations contained in the addendum.

RESOLVED:

1. That Cabinet notes the draft outturn for the capital programme for 2020/21;
2. That Cabinet notes the draft outturn position for 2020/21 on capital resources, and the balance available to be carried forward into 2021/22;
3. That the residual capital budget requirement necessary to complete the 2020/21 projects, as set out in revised Appendix C to the addendum to the report be noted;
4. That the General Assembly of the Council be recommended to carry forward the total capital budgets into 2021/22 as set out in the revised Appendix C to the Addendum; and
5. That Cabinet note the outturn position on the capital prudential Indicators as shown in Appendix D.

36. REVENUE OUTTURN 2020/21

The Chief Officer & Director of Corporate Services presented a report which detailed the final pre-audit 2020/21 figures for the General Fund and Housing Revenue Accounts, including the reasons for any significant variances compared to the probable outturn. Overall it was projected that there would be an underspend of £1.5M. The Council had received considerable sums of COVID support during the year, some of which had not been spent during the year but had been placed into reserves to be rolled forward. It was also reported that the Council's income from external fund investments had been higher than anticipated. Continuing pressure on the temporary accommodation budget was noted.

The Chairman noted the impact of shut-downs and restrictions during the year and that expectation that certain income streams would recover during the post COVID recovery period. He also reported the opening of 3 new purpose built bungalows for the disabled at Mead Crescent as part of the Council's new build programme.

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RESOLVED:

That the 2020/21 outturn for the General Fund and Housing Revenue Accounts, together with the reasons for significant variances compared to probable outturn, be noted.

37. ANNUAL TREASURY REPORT 2020/21

The Chief Officer & Director of Corporate Services presented the Annual Treasury Report which detailed the outturn position, subject to audit, of the Council's investments and borrowing for the 2020/21 financial year, as well as advising Members of the outturn position of the Council's treasury indicators. There had been a change to Public Works Loan Board (PWLB) borrowing rules to prohibit borrowing to purchase 'investment assets primarily for yield' but this would not impact the Council as it did not borrow from the PWLB for that purpose.

The Cabinet Portfolio Holder commended the work of the Finance team and the Council's external treasury advisor, Arlingclose. He noted that the Council had been well served by its prudent approach to treasury management and that the £87M loan the Council had taken out to buy itself out of the negative subsidy on housing had been reduced to £47M, with a further £5M to be repaid next year, and that the Housing Revenue Account was in good shape. He believed that the Council's investment strategy was delivering good results and saw no reason to change this at the current time.

RESOLVED:

1. That the Cabinet notes the outturn for the Council's treasury management operations for 2020/21, subject to audit; and
2. That the Cabinet notes the outturn for the Council's treasury indicators.

38. REVENUE MONITORING 2021/22

The Chief Officer & Director of Corporate Services provided an update on current financial performance against the 2021/22 General Fund and Housing Revenue Account to date and confirmed that it was expected that services would be delivered within the overall budget.

RESOLVED:

1. That the General Fund and Housing Revenue Account monitoring update, attached at Appendix A to the report, be noted; and
2. That the key General Fund income streams at Appendix B to the report be noted.

39. CAPITAL MONITORING 2021/22

The Chief Officer & Director of Corporate Services introduced a report which detailed the progress to date on the schemes in the approved Capital Programme and the latest position on capital resources.

The Cabinet Portfolio Holder for Finance noted the intention to install a new boiler at the Orchard Theatre and felt that this could be an opportunity to introduce a 'green' solution to demonstrate the Council's 'green' credentials and to provide leadership. The Director of Housing & Public Protection explained that the Council had recently secured a decarbonisation grant to fund works at the Civic Centre and other buildings and was now looking at submitting a further application to the same fund for the Orchard boiler replacement.

The Chairman noted that there had been some initial work carried out on the refurbishment of play spaces and stressed the importance that these should be inclusive play areas, accessible by everyone.

RESOLVED:

That the Cabinet notes the progress to date on the 2021/22 Capital Programme and the budget and resources detailed in Appendices A and B to the report.

The meeting closed at 7.47 pm

Councillor J A Kite, MBE
CHAIRMAN

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