

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 26 January 2023 at 7.00 pm

PRESENT: Councillor J A Kite, MBE (Chairman)
Councillor C J Shippam (Vice-Chairman)
Councillor S H Brown
Councillor A R Lloyd
Councillor D J Mote
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

82. APOLOGIES FOR ABSENCE

There were no apologies for absence.

83. DECLARATIONS OF INTEREST

Councillor Lloyd sought clarification over whether he needed to declare an interest in respect of item 7, Unparished CIL Programme, as this included the proposed award of funding for a project to improve Dartford Heath and he was the Council appointed Chairman of the Friends of Dartford Heath. He was advised that he did not need to declare an interest.

There were no declarations of interests.

84. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 8 DECEMBER 2022

Members considered the minutes of the meeting of the Cabinet held on 8 December 2022.

RESOLVED:

That the minutes of the meeting of the Cabinet held on 8 December 2022 be confirmed as an accurate record.

85. URGENT ITEMS

There were no urgent items.

CHAIRMAN'S INITIALS

86. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 23 JANUARY 2023

The Cabinet received the minutes of the meeting of Cabinet Advisory Panel B which took place on 23 January 2023 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 23 January 2023 be noted.

87. REFERENCES FROM COMMITTEES

There were no references from other committees.

88. UNPARISHED CIL PROGRAMME

At its meeting on 26 May 2022, the Cabinet approved the Governance arrangements for the management and decision making related to the Community Infrastructure Levy (CIL) funding retained by the Council for the unparished areas of the Borough. At this meeting, the Cabinet agreed that the Head of Planning Services should develop a pilot delivery programme of projects for the unparished areas to be approved by Cabinet for the purpose of consulting the local community. For this pilot programme, it was proposed that projects would be identified through discussions with Council service departments and key infrastructure service providers such as KCC Highways. An overall cap of £500,000 was also set for the pilot programme. The Cabinet subsequently approved the pilot programme at its meeting on 27 October 2022 for public consultation.

The Director of Growth & Community introduced a report which detailed the results of the consultation, put forward the final projects to be delivered through the pilot programme and the proposed allocation of CIL funding to the projects from the receipts retained by the Council for the unparished areas of the Borough. The total proposed CIL allocation amounted to £458,100 across the six projects contained in the pilot programme. Because the total allocation was less than the budget for the programme, and because material and general building costs had increased since the bids were submitted, it was proposed to retain the unallocated portion of the budget to provide for contingencies across the six projects. She confirmed that the pilot programme had generated interest within the community regarding other projects which could fit the criteria for future unparished CIL funding and that the next phase could begin almost immediately now that a model was in place.

The Cabinet noted the comments made by the Cabinet Advisory Panel.

The Cabinet Portfolio Holder for Finance welcomed the allocation of funding for improvements to Dartford Heath put forward by the DBC Parks team but sought clarification on how the amount of CIL funding awarded had been determined given that this was not the full amount that had been requested. The Director of Growth & Community clarified the rationale behind the

CHAIRMAN'S INITIALS

CABINET
THURSDAY 26 JANUARY 2023

allocation of funding and the limitations of what could be delivered within the £500K budget envelope for the pilot scheme. Other bids had also been adjusted for the same reason. However she stressed that there would be further phases of CIL funding and that applicants that were included in the pilot programme would be able to bid for further CIL funding, along with new applicants, during future CIL allocations. She accepted that there would always be learning points when conducting a pilot and that one of them would be the usefulness of showing the implications of partial funding to a project's outcome.

The Chairman stressed that the pilot programme had achieved the objective of kick-starting the delivery of CIL funded projects in unparished areas and this would provide momentum for the community to bring forward further projects. The Council had chosen to develop a pilot project itself to get this up and running and had set a budget limit of £500K for this first release of CIL funding, which of necessity meant that not all bids would be fully funded from CIL. The pilot programme had also been a learning exercise and provided a model that could be used for further rounds of CIL allocation, which he believed should start immediately. He accepted the need for clear communication with applicants and suggested that there should be a mandatory section on the Project Summary form for the applicant's response to the proposed award of CIL before submitting proposals to the Cabinet for approval. This would ensure that there was a clear understanding of the implications of part-funding, which was a common way of dispersing limited funds. The form should also detail any sponsor or support for the project under the 'Summary of Principal Benefits'.

RESOLVED:

1. That the results of the consultation on the pilot programme for the unparished area of the Borough, as set out in paragraphs 4.1 to 4.4 of the report, be noted;
2. That the allocation of CIL funding from the receipts retained by the Council for projects within the unparished area of the Borough, in accordance with paragraphs 5.2 to 5.4 of the report, and as listed in Appendix B, be agreed; and
3. That the Head of Planning Services be granted delegated authority to enter into agreements with those responsible for the delivery of the projects as listed in Appendix B to the report, and in accordance with paragraph 5.5 of the report, to ensure that the allocated CIL funding is used appropriately.

89. THE BUILDING SAFETY LEVY: CONSULTATION

The Director of Growth & Community introduced the Council's proposed response to the current consultation by the Government seeking views on the design and implementation of the Building Safety Levy (the Levy). On 13 April 2022, the Government announced a wide-ranging agreement with major

CHAIRMAN'S INITIALS

CABINET
THURSDAY 26 JANUARY 2023

homebuilders who had pledged to commit £2 billion to remedy their own buildings and also to deliver an estimated £3 billion from a proposed Levy. The Levy was part of an existing package of measures to ensure that the burden of paying to remedy historical building safety defects does not fall on leaseholders. The Levy will be required to be paid by any named person or organisation for whom a construction project is carried out, the 'Client.' The Levy must be paid by the Client on all new residential developments in England that require building control approval and would, in principle, apply to all new residential buildings requiring building control approval, including any development with a room purposed for a person to sleep in. Under the proposed arrangements local authorities would collect the Levy on behalf of central government. The consultation recognised that there will be an administrative and costs burden on local authorities and it is therefore proposed that a proportion of levy receipts will be retained to pay for the additional administrative burden, although the proportion to be retained was yet unspecified.

The consultation proposed the exclusion of certain buildings from the levy so as not to deter the development of community facilities. These included Affordable Homes, NHS Hospitals, NHS Medical Centres, and NHS GP Centres, Residential Care Homes and Children's Homes, Refuges and Residential Domestic Abuse Facilities, Criminal Justice Accommodation, Military Barracks and other Military Establishments. Additionally it was proposed to exclude small developments (under 10 units) to protect small businesses, and the consultation also sought views on the exclusion of conversions. It was proposed that payment of the Levy will be split into two payments. 60% to be paid when notice of commencement is given and the remaining 40% prior to the final certification stage.

The Council's proposed response to the consultation was set out in Appendix A to the report for submission by the consultation deadline of 7 February 2023. The Council had significant concerns and the lack of detail in the proposals made it difficult to comment with any certainty. Building control inspection work is not only carried out by local authorities but also by private approved inspectors. In order to collect the levy the Council would need to monitor this private provision, which could involve significant cost and, without knowing the percentage of the Levy that the Council would be allowed to retain, it was impossible to assess whether this would offset the cost to the Council. There was also no direct incentive for the Council as it would be operating as the collection agent but passing the revenue to the Government.

The Cabinet noted the comments made by the Cabinet Advisory Panel.

RESOLVED:

That the responses to the questions, set out in Appendix A to the report, form the Council's response to the Government's Consultation on the Building Safety Levy.

CHAIRMAN'S INITIALS

90. AIR QUALITY ACTION PLAN 2023-2028

The Director of Housing & Public Protection introduced a report which detailed recent air quality findings within the borough and sought approval for the Air Quality Action Plan, which had been subject to public consultation in summer 2022. The report considered air quality monitoring data across the borough for 2021. Monitored levels of NO₂ had decreased at the majority of sites across the borough. Only 2 out of the 52 monitoring sites breached the annual objective level, and all of these were within the declared Air Quality Management Areas (AQMA's). The diffusion tube monitoring location with the highest recorded value in 2021 was DA43 Overy Liberty which recorded a value of 48.1 µg/m³. Monitored levels of PM₁₀ remained below the objective levels at all monitoring sites within the borough. Whilst improvement in levels of air pollution had been seen across the borough in the last ten years, the administration had identified pollution levels and air quality as priorities for the Council and an essential component of its intention to create cleaner and greener places to live and work. For this reason the Council had developed a new Air Quality Action Plan (AQAP), building upon the plans produced in 2001 and 2009, detailing measures aimed to improve air quality. The new AQAP was produced with a specialist contractor, Bureau Veritas, and in consultation with other local authorities, agencies and the local community.

The developed actions within the AQAP had been categorised under five broad topics:

- Priority 1: Public Health and Wellbeing;
- Priority 2: Transport;
- Priority 3: Air Quality Partnerships;
- Priority 4: Planning and Infrastructure;
- Priority 5: Policy

There were 27 responses to the public consultation. A key output from the consultation was the lack of awareness of the current AQMA's within Dartford, and therefore potentially the wider impacts of air quality across the borough. This was an important conclusion as it highlighted the need for the Council to develop a number of measures based around sharing information and education. A common theme in the responses received was the identification of the Dartford Crossing, the A282, as the principal source of vehicle emissions within Dartford. The health and well-being of residents living close to the A282 was continually challenged when suggestions were made with regard to measures. The Council was committed to working with its partners and surrounding local authorities to ensure that any mitigations, including the Lower Thames Crossing, are assessed in terms of air quality and all other environmental aspects. An additional recurring theme related to the use of cycles, in particular a lack of promotion, limited infrastructure and unsafe routes. Active travel, including both walking and cycling, was at the core of the AQAP being present in Priority 1 and Priority 2 and a number of measures relating to active travel are to be implemented to enhance the availability of walking and cycling routes within Dartford. This would result in benefits in terms of air quality and also increased fitness and well-being.

CHAIRMAN'S INITIALS

CABINET
THURSDAY 26 JANUARY 2023

The Cabinet was asked to note the air quality monitoring data, the response to the public consultation and to adopt the proposed AQAP.

The Cabinet noted the comments made by the Cabinet Advisory Panel.

RESOLVED:

1. That the air quality findings, both historic and recent monitoring data available for NO₂ and PM₁₀, at Appendix A to the report, be noted; and
2. That Air Quality Action Plan at Appendix A to the report, be adopted.

91. NEW ADMINISTRATIVE FEES: DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

The Cabinet considered a report which recommended the introduction of new administrative fees to cover the costs of staff time spent on carrying out activities regarded as discretionary 'extensions' to statutory services provided by Building Control and Development Management . The report noted the increasing number of requests being received by Building Control from solicitors, applicants and householders for copies of decision notices and completion certificates and the costs involved in producing these. A survey of charges made by other local authorities across Kent showed that most charged £50 or more per copy decision notice or certificate and it was considered that it was reasonable to introduce a similar charge to cover the costs of officer time in locating, retrieving and extracting the information requested per copy of a decision notice or certificate.

The Planning Services Department was also receiving an increasing number of planning applications which are invalid when submitted, most often due to incomplete plans or key documents being missing. Planning Services technical support officers often spent a significant amount of time advising applicants and their agents on the information required to rectify this. It was therefore proposed to recoup some of the additional costs by charging a fee for invalid planning applications in the circumstances described in the report, as follows:

- £50.00 charge for householder, advertisement and similar applications;
- £100.00 charge for minor, lawfulness and similar applications; and
- £200.00 charge for major and similar complex applications.

These charges had been benchmarked against other local authorities who charged for returning invalid applications.

RESOLVED:

1. That the administration fee of £50.00 for providing copies of Building Control decision notices and certificates, be agreed;

CHAIRMAN'S INITIALS

2. That the criteria for charging administration fees for invalid planning applications, as set out in paragraph 3.13 of the report, be agreed;
3. That the administration fees proposed for invalid planning applications, as set out in paragraph 3.14 of the report, be agreed; and
4. That delegated authority be granted to the Head of Planning Services and Development Manager to waive or reduce the administration fees applicable to any transaction.

92. NATIONAL NON-DOMESTIC DISCRETIONARY RATE RELIEF 2023/24

The Chief Officer & Director of Corporate Services introduced a report which proposed granting discretionary rate relief to National Non-Domestic Ratepayers who had made applications in respect of 2023/24, or who would have made an application by 1 March 2023, which were properties eligible for relief and met the Council's criteria for granting Discretionary Rate Relief.

RESOLVED:

1. That the maximum level of discretionary rate relief for 2023/24, for the organisations listed in exempt Appendix A to the report, be determined in accordance with the detailed recommendations set out in that exempt Appendix;
2. That the types of property eligible for discretionary rate relief, as specified in Appendix B to the report, be noted; and
3. That the recommended criteria for granting discretionary rate relief, as set out in Appendix C, be noted.

93. AMENDED SEVERE WEATHER EMERGENCY PROTOCOL (SWEP) FOR ROUGH SLEEPERS

The Director of Health & Public Protection presented a report which set out amendments to the Council's Severe Weather Emergency Protocol (SWEP) for Rough Sleepers, which was originally developed in 2010. The protocol set out the arrangements made by the Council to minimise harm or death to anyone who might be sleeping rough during periods of severe weather, through the provision of emergency shelter and support. If the Protocol is triggered all rough sleepers, with no alternative indoor accommodation options and deemed to be at risk, are provided with emergency accommodation for the duration of the severe weather. Traditionally the SWEP arrangements had been triggered by extreme cold weather, predicted to be zero degrees Celsius or below for three consecutive nights, but it was now recognised that the SWEP should also be triggered by any severe weather conditions that could place rough sleepers at risk and the protocol had been updated to reflect this and other operational working practices. The impact of rain, snow, wind and heat were now included in the criteria for triggering the SWEP.

CABINET
THURSDAY 26 JANUARY 2023

The amended SWEP had been considered by the Housing Advisory Board, at its meeting on 18 January 2023, which had endorsed the SWEP and recommended that it should be adopted by the Cabinet.

The Cabinet noted the comments made by the Cabinet Advisory Panel and welcomed the amended protocol.

RESOLVED:

1. That the Severe Weather Emergency Protocol (SWEP) for Rough Sleepers, attached at Appendix A to the report, be approved; and
2. That the Director for Housing and Public Protection be granted delegated authority to make any in-year amendments to the Protocol, as required.

94. NATIONAL NON-DOMESTIC DISCRETIONARY RATE RELIEF 2023/24 - EXEMPT APPENDIX A - DISCRETIONARY RATE RELIEF APPLICATIONS AND RECOMMENDATIONS (EXEMPT CATEGORY SO 46 (1) (B) ANNEX 1 PARAGRAPH 3)

RESOLVED:

That, following discussion of the main report (minute 92 above), the contents of Exempt Appendix A be noted.

The meeting closed at 7.50 pm

Councillor J A Kite, MBE
CHAIRMAN

CHAIRMAN'S INITIALS