

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 24 February 2022 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 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

107. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor P A Thurlow.

108. DECLARATIONS OF INTEREST

There were no declarations of interests.

109. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 27 JANUARY 2022

The Cabinet considered the minutes of its' meeting which took place on 27 January 2022.

RESOLVED:

That the minutes of the meeting of the Cabinet held on 27 January 2022 be confirmed as an accurate record.

110. URGENT ITEMS

There were no urgent items.

111. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 21 FEBRUARY 2022

The Cabinet received the minutes of the meeting of Cabinet Advisory Panel A which took place on 21 February 2022 and had regard to the Panel's comments throughout the meeting.

Particular regard was given to the Panel's comments on the proposed Revenue and Capital Budgets for 2022-23 and Fees and Charges.

CHAIRMAN'S INITIALS

112. REFERENCES FROM COMMITTEES

There were no references from other committees.

113. DRAFT BUDGET 2022/23 AND FEES AND CHARGES 2022/23

The Cabinet considered a report on the proposed Revenue and Capital Budgets for 2022-23, including recommendations to the General Assembly of the Council (Budget) on setting the overall level of General Fund and Housing Revenue Account revenue and capital expenditure for Dartford Borough Council for 2022/23, the level of Council Tax for Dartford Borough in its parished and unparished areas for 2022/23 and fees and charges for 2022/23, and approving the Pay Policy Statement and sundry related matters. The Council's determination to provide high quality services and to keep tax low, wherever possible, was reflected in the proposals which included no increase in the Dartford Borough Council element of Council tax, the freezing of rents for Council social housing and for pitches at the Claywood Lane, Caravan Site, Bean for the year, setting fees and charges, and adding to earmarked reserves for future years as part of the Council's prudent approach to budgeting.

The Cabinet noted the comments raised at the Cabinet Advisory Panel.

The Chairman commended the budget proposals to Cabinet and in particular the proposals not to increase the Dartford Borough Council element of Council Tax and the freezing of Council social rents. He said that he felt this was the right thing to do and was being achieved without any service cuts and whilst continuing to invest in projects such as play spaces, the Bridge and the Council new build housing programme and property acquisitions. He congratulated the Portfolio Holder for Finance and officers for delivering the budget proposals.

The Portfolio Holder for Finance said that he was particularly pleased that it had been possible to freeze social housing rents and he felt that this was a testament to the Council's strong management of the Housing Revenue Account. He noted that this was being done at the same time as the Council had repaid £5M of its PWLB loan debt in 2021/22 and whilst continuing with investment in the condition of the housing stock. He noted the comment made by a Member at the Cabinet Advisory Panel in respect of the proposed £5 increase in the charge for the disposal of bulky waste but had felt this to be reasonable at the time of constructing the budget.

The Cabinet Portfolio Holder for Housing noted that the CAP had been concerned that the increase could result in additional fly-tipping taking place rather than at the increase in the fee per se and that it had been demonstrated that a small increase in the charge was unlikely to cause more fly-tipping.

The Chairman said that he did not see a need to amend this proposal, which was a discretionary service, but asked that the level of fly-tipping should be

CHAIRMAN'S INITIALS

CABINET
THURSDAY 24 FEBRUARY 2022

kept under review. He also asked the Director of Housing & Public Protection to confirm when the fee had last been increased.

RESOLVED:

1. That, for the reasons detailed in paras. 3.4 and 3.5 of the report, the rents relating to Housing Revenue Account properties and chargeable for pitches at Claywood Lane, Caravan Site, Bean be frozen from the first rent week in 2022/23;
2. That the draft Budget, including an update on the current financial position, at Appendix A to the report, be proposed and recommended to the General Assembly of the Council (Budget) for approval;
3. That the Customer Access Review, at Appendix B to the report, be noted; and
4. That the Fees and Charges 2022/23 (at Appendix B(ii) and C(iii) - draft Budget, contained in Appendix A to the report), be approved with effect from 1 April 2022.

114. PROPOSALS FOR PUBLIC SPACES PROTECTION ORDER THE DARTFORD BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER 2022 - NUISANCE VEHICLES - BOROUGH OF DARTFORD

The Cabinet considered a report which set out a proposal to implement Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make a Public Spaces Protection Order (PSPO), to suppress the growing incidents of traffic offences and associated anti-social behaviour occurring principally due to nuisance vehicles across the Borough. The report described the nuisance caused by the gathering of motor cars in car parks and other public places which were then driven along the arterial road system in such a manner and volume to cause significant alarm, harassment and distress to other road users, most notably in the area around Crossways Boulevard, and the use of vehicles and motorcycles on private land without the landlord's permission driven in a manner causing alarm, harassment and distress to residents, often by people under the age of 18. The report outlined the existing enforcement powers available and how they were applied, and detailed the advantages that introducing a Public Spaces Protection Order could offer to deter and control these activities. The report detailed the next steps, including consultation with the Police, the Police & Crime Commissioner, other relevant authorities, including Kent County Council and Parish Councils, and community stakeholders. Despite the significant challenge of implementing such a scheme, it was felt that the level of community upset demonstrated within the data justified the making of a Public Spaces Protection Order, which would prohibit a range of behaviours evidenced over the past 12 months within the Borough. The aim would be to exert greater control on anti-social behaviour related to certain vehicle gatherings, the manner of driving and riding on land other than roads, in

CHAIRMAN'S INITIALS

CABINET
THURSDAY 24 FEBRUARY 2022

circumstances which were both unnecessary and damaging to the quality of life of many residents.

The Cabinet noted the comments of the Cabinet Advisory Panel.

The Director of Housing & Public Protection reminded Cabinet that, in addition to the proposed new PSPO, it was intended to extend the existing PSPO in the Town Centre. He confirmed that the new PSPO could also apply to nuisance motor bikes being ridden on paths where the police could enforce this and noted that the new PSPO would provide another layer of enforcement to deal with anti-social behaviour. The Cabinet welcomed the proposals which it felt were sensible and proportionate.

RESOLVED:

1. That on being satisfied that the anti-social behaviour activities detailed in paras.3.91 and 3.92 of the report are having, or are likely to have, a detrimental effect on the quality of life of those in the locality, are persistent or continuing nature and unreasonable, the Director of Housing and Public Protection be authorised to commence the statutory consultation to enable the Council to make a Public Spaces Protection Order prohibiting anti-social behaviour associated with the gathering displaying and racing of motor vehicles as well as driving on land other than a road on terms set out in Appendix A to the report, to apply to the whole of the Council's administrative area, as identified on the Order Map, at Appendix B to the report;
2. That, should recommendation 1. be approved, a second 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 Dartford Borough Council Public Spaces Protection Order 2022 – Nuisance Vehicles – Borough of Dartford, for a period of three years; and
3. That the Public Spaces Protection Order for Dartford Town Centre should remain in place.

115. CLIMATE CHANGE IMPACT ASSESSMENT

The Cabinet considered a report which proposed the introduction of a requirement for climate change impact assessments to be carried out as part of the service design and report formulation process for all future committee reports. This would put a clear focus on the impact of the Council's actions on climate change at the heart of all future decision making and make it a 'golden thread' in the decision making process. It was intended to ensure that potential climate change implications were recognised in every area of Council policy. In future officers would be required to carry out a mandatory climate impact assessment and to detail this in the risk assessment section of each report. The assessment would include positive as well as negative impacts, and would identify potential mitigations and would be a step towards the introduction of a Climate Change hub. This would also be embedded in the Council's risk management processes.

CHAIRMAN'S INITIALS

The Director of Housing & Public Protection informed the Cabinet that the requirement to complete a climate impact assessment had also been included in the Council's Procurement Submission form to ensure that climate change issues were considered at an early stage in any significant project undertaken by the Council.

The Portfolio Holder for Finance joined the Cabinet in welcoming the introduction of the new climate impact assessment but cautioned that the growing matrix of assessments carried out for reports should not diminish the weight given to the assessment of financial implications.

RESOLVED:

That for the reasons set out in the report, a climate change impact assessment is undertaken as part of all future reports, and for the outcome to be reported as a mandatory requirement, ensuring that formal decisions are made having considered the potential impact on climate change.

116. RISK MANAGEMENT STRATEGY REVIEW 2021

The Chief Officer & Director of Corporate Services presented a report which sought Cabinet approval for a new risk Management Strategy and associated Risk Management Guidance. The Strategy had last been reviewed in 2015 and a thorough review had now been carried out to produce the new Strategy which set out the Council's approach to risk management and the practices that it would adopt to ensure effective governance of the risk management process to assist with achieving the Council's strategic and operational objectives, and also set out the approach where matters might be outside the Council's 'risk appetite'. It had also been recognised that the Council's existing risk register was too complex and also needed to be reviewed. This would be done once the new Strategy and Guidance had been agreed. The new Strategy and Guidance had been endorsed by the Audit Board on 26 January 2022.

RESOLVED:

That the Risk Management Strategy, at Appendix A to the report, be approved.

117. PROPOSED RESPONSE TO THE CONSULTATION ON THE INTRODUCTION OF TENANT SATISFACTION MEASURES BY THE REGULATOR OF SOCIAL HOUSING

The Director of Housing and Public Protection presented a report which detailed a consultation being carried out by the Regulator of Social Housing seeking views on its proposals to introduce tenant satisfaction measures (TMS's) as part of implementing changes to consumer regulation set out in the Government's 'The Charter for Social Housing Residents: Social Housing White Paper'. The Social Housing White Paper set out what every social

CHAIRMAN'S
INITIALS

CABINET
THURSDAY 24 FEBRUARY 2022

housing resident should be able to expect from their landlord under seven broad themes and also set out a requirement for social housing landlords to report on a set of tenant satisfaction measures to the Regulator of Social Housing (RSH). The measures would provide data about social housing landlords' performance and the quality of their services to help tenants hold their landlord to account and help the RSH in its future consumer regulation role. On 9 December 2021, the RSH published its consultation on the proposed set of tenant satisfaction measures (TSMs), which were intended to come into effect in 2023. Currently there were 22 TSMs which reflected the themes in the White Paper, made up of 12 measures generated from tenant perception surveys, and 10 measures generated from management information held by the landlord which would be reported annually.

Registered providers would be required to collect information specified by the Regulator relating to their performance against the tenant satisfaction measures and to publish their performance against the tenant satisfaction measures each year. They would also need to submit information specified by the Regulator relating to their performance against those measures and to ensure that information was accurate and submitted in accordance with the Regulator's requirements. The Council's proposed response to the consultation, which was due by 3 March 2022, was submitted for consideration.

The Director of Housing & Public Protection said that the main thrust of the White Paper was to deal with poor social landlords, mainly large housing associations, rather than well run providers such as the Council. The Council's existing landlord and tenant management arrangements and interaction meant that Dartford was ahead of the game. The Strategic Housing Board and Tenant's & Landlords Joint Liaison Group had served the Council well but it was now proposed to replace these with a new Housing Advisory Board which could directly embrace matters likely to arise from the White Paper and new Social Charter.

RESOLVED:

That the Council's proposed response to the consultation, attached at Appendix A to the report, be approved for submission to the Regulator of Social Housing.

118. EXTENSION OF THE TRANSITIONAL RELIEF AND SUPPORTING SMALL BUSINESS RATES RELIEF SCHEME 2022/23

The Cabinet considered a report which proposed arrangements for extending small business relief and transitional relief which were introduced in 2017 by the Government to assist businesses which were adversely affected by the revaluation of properties and changes to relief entitlement. Both reliefs were due to end on 31 March 2022 but had now been extended by the government for a further year, until the end of the current revaluation period.

CHAIRMAN'S INITIALS

RESOLVED:

1. That, the Government's announcement to extend the current transitional relief and supporting small business rates relief for small and medium properties, for one year to the end of the current revaluation cycle, be noted; and
2. That the Extension to the Transitional Relief and Supporting Small Business Rates Relief Scheme (2022/23), as set out in Appendix A to the report, be approved.

119. COUNCIL TAX DISCOUNTS FOR UNOCCUPIED AND UNFURNISHED DWELLINGS AND LONG TERM EMPTY PREMIUM

The Chief Officer & Director of Corporate Services introduced a report which invited the Cabinet to consider the level of Council Tax discount for unoccupied and unfurnished dwellings and proposing to increase the premium on dwellings that are long term empty (unoccupied and unfurnished for more than 2 years) to bring the Council into line with the arrangements applied by other authorities across Kent and to support the Council's empty homes plan and encourage empty dwellings to be brought back into use more quickly.

RESOLVED:

1. That Cabinet recommend to the General Assembly of the Council that the Council Tax discount for unoccupied and unfurnished dwellings, be changed from 100% for one month to 0%; and
2. That Cabinet recommend to the General Assembly of the Council that the additional charge for dwellings that are unoccupied and unfurnished for 5 years to one day less than 10 years, be increased from 100% to 200% and dwellings that are unoccupied and unfurnished for 10 years or more, be increased to 300%.

120. WRITE-OFF OF NATIONAL NON-DOMESTIC RATES

The Cabinet considered a report which sought the Cabinet's agreement to write-off Non Domestic Rate debts 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 for the reasons detailed for each case in the report.

RESOLVED:

That the sums shown at Exempt Appendix A to the report, amounting to £252,367.72, be written off as uncollectible for the reasons detailed in the report.

CHAIRMAN'S INITIALS

121. CALENDAR OF MEETINGS OF THE GENERAL ASSEMBLY OF THE COUNCIL, COMMITTEES, BOARDS AND PANELS 2022-24

The Cabinet considered a report which sought Members' views on the proposed calendar of meetings for the Municipal Year 2022/23 and the provisional calendar for 2023/24 for agreement at the Annual Council meeting in May.

RESOLVED:

That the proposed calendar of meetings for the Municipal Year 2022/23 and the provisional calendar of meetings for 2023/24 be submitted to the Annual Meeting of the Council for approval.

122. DELEGATED ACTION TAKEN UNDER STANDING ORDER 38: DECARBONISATION WORKS TO PUBLIC BUILDINGS

The Director of Housing & Public Protection presented a report, in accordance with the requirements of Standing Order 38(2)(b), detailing the delegated action he had taken under Standing Order 38(2)(a), in consultation with the Cabinet Chairman, to implement a revised scheme for decarbonisation works to public buildings, using funding from the Government and additional Council funding, and to place orders to ensure that the works could be completed by the end of June 2022 as stipulated in the conditions of the funding agreement. The background to the works and funding were outlined in addition to the ongoing benefits arising from the works.

RESOLVED:

That Cabinet notes the action taken by the Director of Housing & Public Protection, in consultation with the Cabinet Chairman, under Standing Order 38(2)(a), to implement a revised scheme for decarbonisation works to public buildings, utilising funding from the Government and additional Council funding, and to place orders to ensure that the works can be completed by the end of June 2022 as stipulated in the conditions of the funding agreement with the Government.

123. COMMITTEE MINUTES

The Cabinet considered the minutes of the meetings of the Policy Overview Committee held on 14 December 2021 and the Strategic Housing Board held on 28 January 2022 and noted the content of a presentation given to the Board by Gus Zogolovitch.

RESOLVED:

That the minutes of the meetings of the Policy Overview Committee on 14 December 2021 and the Strategic Housing Board on 28 January 2022 be noted.

CHAIRMAN'S INITIALS

CABINET
THURSDAY 24 FEBRUARY 2022

124. WRITE-OFF OF NATIONAL NON-DOMESTIC RATES - EXEMPT APPENDIX A (EXEMPT CATEGORY SO 46(1)(B) ANNEX 1 PARAGRAPH 3)

That, following discussion of the main report (minute 120 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

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