

## **CABINET**

### Minutes of the meeting of the Cabinet held on 13 October 2011 commencing at 7.00 pm

Present: Cllr. P Fleming (Chairman)

Cllr. Mrs P Bosley, Cllr. Mrs E Bracken, Cllr. Mrs C Clark,  
Cllr Mrs J Davison, Cllr. Mrs A Hunter and Cllr. B Ramsey

Apologies for absence:

Cllr. Mrs B Ayres, Cllr. L Ayres, Cllr. I Bosley, Cllr. R Brookbank,  
Cllr Mrs A Cook, Cllr. R J Davison, Cllr. M Dickins, Cllr. M Fittock,  
Cllr Ms M Lowe, Cllr. Mrs F Parkin, Cllr. Mrs E Purves and  
Cllr. R Walshe were also present

#### **30. MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the Cabinet meeting held on 15 September 2011 be approved and signed as a correct record.

#### **31. DECLARATIONS OF INTEREST**

There were no declarations of interests.

#### **32. QUESTIONS FROM MEMBERS**

There were no questions from Members.

#### **33. JOINT WORKING PROJECT BETWEEN SEVENOAKS DISTRICT COUNCIL AND DARTFORD BOROUGH COUNCIL IN ENVIRONMENTAL HEALTH - PROPOSED FORWARD OPERATING MODEL**

The Chairman welcomed members of the Social Affairs Select Committee to the meeting and explained that he had changed the order of the agenda to take this item at the start of the meeting. He explained that timetabling difficulties had meant that it had not been possible to take this matter to a meeting of the Select Committee which is why Members had been invited to attend the Cabinet during discussion of this matter.

The Portfolio Holder for Safe Communities presented a report which advised the Cabinet of the outcome of the feasibility study and business case for the joint working project between Sevenoaks District Council (SDC) and Dartford Borough Council (DBC) in Environmental Health, and set out the proposed operating model for the joint service. It was proposed that the Environmental Health Service for both Councils would be provided from the Dartford office, with a satellite office based at Sevenoaks, with existing face to face services for customers being retained. Members were reminded that the two Councils had shared an Environmental Health Manager since August 2008 and that the

Cabinet had commissioned consultants to examine the feasibility of developing joint working arrangements and the preparation of a business case in September 2010. The initial work had been carried out by Price Mariners consultants and completed by Darren Walklate, the consultant who had worked on the Joint Revenues and Benefit Service, and had followed a similar methodology to complete the business case and develop an implementation plan. The criteria used to evaluate defined options for joint working were detailed in the report including the requirements to fulfil statutory obligations, deliver £300,000 pa savings across the two authorities from 2012/13, improve capacity and resilience, deliver agreed service standards, allow for further savings/generation of income whilst remaining accessible for customers. It was estimated that joint savings over a five year period would total £1.68 million and allowing for estimated implementation costs of £486,000 this would deliver a pay back period of 1.6 years. The proposed service standards and organisational structure were outlined and feedback from the consultation exercise carried out with staff during August and September was reported. It was anticipated that the proposals should be implemented in full from April 2012 and would be supported by a formal governance document and partnership agreement. The report explained that Dartford Borough Council would be considering the proposal at its Cabinet Meeting on 27<sup>th</sup> October 2011.

In commending the report and recommendations to Cabinet the Portfolio Holder for Safe Communities reminded Members that the Council was working successfully in a number of partnerships with other authorities, and notably with Dartford Borough Council on the Revenues and Benefits Service and that a similar partnership arrangement for the Environmental Health Service was viewed as the best way to deliver an effective service whilst delivering the level of savings required and preserving as many jobs as possible for Environmental Health staff. If the Council had had to find the savings in-house this would have resulted in a major restructuring and the loss of many more posts.

The Cabinet was addressed by an officer from the Environmental Health Team, Charles Hook, who reiterated the concerns of the staff affected and the strong reservations which he believed his colleagues had about the proposals and the location of the service at Dartford with only a satellite office at Sevenoaks. He suggested that other options had not been investigated to the same degree and that basing the service at Dartford would make it difficult to conduct site visits in the south of the District. There were also concerns about the role of the Scientific Officer in the new structure and how this could impact on service delivery.

The Head of Environmental and Operational Services provided clarification on how the satellite office would work. This would involve a hot desk set up for up to 8 officers at any one time and there would be a management presence on-site for two days per week. This would enable officers to base themselves at Sevenoaks when requiring to carry out visits in the south of the District or to journey from home if more practicable. In terms of the Scientific Officer post he explained that it had been decided to retain this post from within the existing Dartford structure and that the capability of Sevenoaks officers to carry out this work would ensure greater resilience for this aspect of the

service. He also stressed that the proposals would deliver all of the criteria for the service which were set out in the report. Whilst it was true that up to seven posts could be affected it was stressed that a number of vacancies had been held back in both services and that currently only a maximum of two posts across the two authorities might be subject to redundancy. In response to a question from a Member the Council's arrangements for redeployment, including training and mentoring arrangements, were explained.

The Chairman of the Social Affairs Select Committee agreed that savings had to be made and that if savings were not made in this service they would have to be found elsewhere. She understood staff concerns about change but cited the success of the Joint Revenues and Benefits Service which had initially been of similar concern to the staff involved. She felt that there would be careful monitoring both of service standards and staffing and that any concerns would be brought before Members if appropriate. She felt that this was the best solution for staff and the Council's customers and reflected working arrangements being introduced throughout the private and public sectors.

Members recognised that the proposals were unsettling for staff but considered that they offered the best way of moving forward with the opportunity to develop a new joined-up Environmental Health Service. It was felt that the provision of a satellite office and other measures made it possible for the service to be based at Dartford and that the proposals would deliver an effective service for the Council's customers whilst achieving the savings required and protecting as many staff as possible in the circumstances.

Resolved: That

- (1) the proposed operating model for the joint provision of Environmental Health Services with Dartford Borough Council as detailed in the report and Appendix A to the report, be approved;
- (2) the Leader of the Council and the Safe Communities Portfolio Holder be delegated the authority to agree the Heads of Terms for a partnership agreement;
- (3) a provision of £243,000 investment costs be recommended to Council to support the implementation of the project as a supplementary budget request (this figure represents a 50% share of costs) and
- (4) the Leader of the Council and the Safe Communities Portfolio Holder, together with the Deputy Chief Executive and Director of Community and Planning Services be delegated to approve any consequential actions required in order to implement the proposed business model.

**34. MATTERS REFERRED FROM THE PERFORMANCE AND GOVERNANCE COMMITTEE AND/OR SELECT COMMITTEES**

- (a) Conservation Area Appraisal and Management Plans – Chipstead Village and Brittain's Farm – (*Environment Services Select Committee – 6 September 2011*)

This was considered under minute item 35 below.

- (b) Proposed Changes to Staff Terms and Conditions - (*Services Select Committee – 20 September 2011*)

The Cabinet had initially considered this matter at its last meeting on 15 September 2011 and since that meeting the report had been considered by the Services Select Committee on 20 September. The Select Committee had been impressed by the work carried out and by the reaction of staff who had been very supportive given the circumstances and the proposed changes to terms and conditions. The Select Committee had sought clarification on the impact of the changes for affected staff and the effect on staff turnover and retention of high performers. The Cabinet thanked the Services Select Committee and noted its comments.

- (c) Annual Treasury Management Report 2010/11 – (*Performance and Governance Committee – 27 September 2011*)

This was considered under minute item 39 below

**35. CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN - CHIPSTEAD VILLAGE AND BRITAIN'S FARM**

The Cabinet considered the Conservation Area Appraisal and Management Plans for Chipstead Village and Brittain's Farm. The report by the Head of Development Services explained that there was a duty on local authorities to designate as conservation areas any 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Clear and concise appraisals of the character of conservation areas provided a sound basis for their designation and management and informed local development documents and provided a framework for the control of development. Two of the priorities for the next three years were to protect the historic nature of towns and villages and to encourage design that respected the scale and design of existing developments and these plans would help to achieve these priorities. All 40 of the Conservation Areas in Sevenoaks borough were covered by appraisals with the first tranche being introduced between 2000 and 2003 and some were over five years old and being updated to take account of revised boundaries and policy and developmental changes. The current review was part of an ongoing programme to update conservation area appraisals.

The appraisal and management plans had been consulted with the residents of the Conservation Area, the Parish and Kent County Councils, local conservation groups, local Members and English Heritage. The Environment

Services Select Committee had considered the proposals at its meeting on 6 September 2011 and supported the adoption of the Conservation Area Appraisal and Management Plans as informal planning guidance. It was felt that this would help the local community, developers, local authorities and development professions to engage in the conservation and enhancement of the local historic environment and secure the long term viability of the conservation area as an important heritage asset.

The Portfolio Holder for Planning and Improvement in introducing the report noted that the plans had required relatively minor changes and that no changes to the boundaries of the conservation areas were involved.

Resolved: That the Chipstead Village and Brittain's Farm draft Conservation Area Appraisal and management plans attached as Appendices B and C to the report be adopted as informal planning guidance.

**36. LOCAL DEVELOPMENT FRAMEWORK AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT**

The Portfolio Holder for Planning and Improvement introduced the proposed Affordable Housing Supplementary Planning Document (SPD) which would support the Council's Core Strategy to give guidance on the implementation of Core Strategy Policy SP3 (affordable housing) including the arrangements for financial contributions from developers. The SPD clarified what types of housing should contribute and provided guidance on the calculation of the number of units required for different size schemes and how provision should be made within developments. It also included information on the procedures that would be applied in considering applications in relation to affordable housing and mechanisms for ensuring the delivery of affordable housing on approved schemes and how issues of development viability would be considered under the Core Strategy. The SPD also included measures for monitoring the delivery of affordable housing and the use of funds collected under the policy. Members were reminded that the draft SPD had been considered by the LDF Advisory Group, the Environment Select Committee and the Cabinet in April 2011 and had been subject to public consultation from 26 May to 4 August 2011. The responses to the consultation were reported and a number of amendments were proposed to the SPD as a result of the consultation to take account of changes to Government policy, and provide greater clarity on viability issues, the use of financial contributions and monitoring arrangements. Members were informed that the SPD would provide further information on how the Core Strategy Policy SP3 would be applied and would assist the Council in determining planning applications and in defending the Council's position in cases of appeal.

The Cabinet welcomed the changes made in response to the public consultation and felt that the greater clarity included in the SPD was particularly important.

Councillor Brookbank raised concerns about the SPD and felt that it would deter much needed development by making excessive demands on

developers. He also felt that the policy would do nothing to address the perceived imbalance in the mix of housing in the Swanley area where he believed there was an imbalance in favour of social housing provision and a lack of new private housing for sale.

Members felt that the SPD would not deter development as land values ensured that projects were still profitable however it was felt that without the policy developers would not provide the affordable housing that was needed. It was noted that the District's Housing Needs Assessment had identified a need for more affordable housing across all areas of the District and that affordable housing was some 600 houses below target. It was felt that if this was not addressed this would contribute to homelessness. The Cabinet also noted that the maximum level of affordable housing that could be required for a development under the policy was 40% and that development would be primarily build for private sale and that the policy therefore would help to balance the mix of development. It was stressed that all of the Council's planning policies were subject to annual monitoring and that this would help to highlight any imbalances that might occur.

Resolved: That

- (1) the Affordable Housing SPD be amended as proposed in Appendix A to the report;
- (2) the Affordable Housing SPD as amended be adopted as a supplementary planning document; and
- (3) copies be made available for sale at a price to be agreed by the Portfolio Holder for Planning and Improvement.

### **37. PERFORMANCE MONITORING**

The Cabinet considered a report which summarised the Council's performance during the period April to August 2011. Performance against 82 performance indicators was reported using a traffic light system and it was noted that currently 12 indicators were 'red' (currently 10% or more below target), 12 were 'amber' (less than 10% below target) and that 58 were 'green' (performing at or above target). The report detailed each of the 'red' performance indicators and the commentaries explaining the reason for the under-performance and the steps taken to improve performance. Members welcomed the much simpler and clearer system of reporting and the move towards focussing on fewer but more meaningful performance indicators.

The Cabinet noted that similar information had been reported to the Performance and Governance Committee which had referred a number of red performance indicators on housing benefits to the Services Select Committee and the trading account position to the Finance Advisory Group for further consideration. Members debated the value of similar information on performance being reported to various committees as well as Cabinet but felt that it was important that the Cabinet's monitoring of performance and the actions taken to respond to performance issues should be subject to scrutiny

and challenge. It was accepted that a period of time could elapse before a performance issue could be considered by a Select Committee after referral due to the composition of the calendar of meetings. However this did not mean a delay in addressing performance concerns by the Portfolio Holder and Head of Service and hopefully improvements or plans of action could then be reported to the appropriate Select Committee for consideration.

Resolved: That

- (1) the contents of the report be noted; and
- (2) that areas of concern identified by the Performance and Governance committee and referred to the Services Select Committee and to the Finance Advisory Group for further action be noted.

**38. FINANCIAL PROSPECTS AND BUDGET STRATEGY 2012/13 AND BEYOND**

The Portfolio Holder for Finance and Value for Money introduced a report which detailed the major financial pressures and challenges facing the Council over the next four years and a proposed strategy for setting a balanced and sustainable budget for 2012/13 and beyond. Members noted the Council's excellent track record in identifying, planning for and addressing financial challenges and the steps taken in 2010/11 to produce a 10-year budget together with a four-year savings plan. This was designed to provide a stable basis for future years and to address the prevailing economic conditions, the reduction in Government funding, income and investment as well reducing the Council's reliance on reserves resulting in a balanced budget over the ten year period.

The report also identified significant risk areas as well as setting out the way forward for service prioritisation, business and financial planning, financial strategy and the budget setting process. The overall emphasis of the Council's plans was to build on the strong framework provided by the 10-year budget, whilst taking into account any new financial burdens and changes in the economy that could have an impact on budget assumptions and to better position the Council to respond to economic challenges. The report also outlined the proposed timetable for the budget setting process including consultation with Select Committees and the setting of the detailed budget for 2012/13 by the Council in February 2012. The Deputy Chief Executive and Director of Corporate Resources reminded Members that the budget timetable was different to the one followed last year where the process had been brought forward in order to develop the 10-year budget and savings plan by December. The introduction of the 10-year budget had provided greater certainty and assisted forward financial planning and the preparation of the budget for the next year.

Members congratulated the Deputy Chief Executive and Director of Corporate Resources and his staff on the achievement of the 10-year budget and quality of financial planning attained by the Council.

Resolved: That

- (1) the Cabinet endorse the ten-year financial planning approach and principles set out in the report: and
- (2) the timetable set out in Appendix A to the report be noted.

**39. ANNUAL TREASURY MANAGEMENT REPORT 2010/11**

The Cabinet received the Annual Treasury Management Report for 2010/11. The report had been produced in accordance with the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Treasury Management Report outlined the strategy adopted during the year, explained the position of the Council's investment portfolio at the beginning and end of the financial year and gave details of how the fund performed in comparison with previous years and against other benchmarks. The report gave details of the Council's Investment Strategy for 2010/11, economic conditions during the year including interest rates, investment rates and returns and compliance with treasury limits and prudential indicators. It was noted that the prevailing economic conditions during the financial year 2010/11 had continued to be challenging with low investment returns and continuing counterparty risk. The Council had operated within the limits previously agreed by Members but it was noted that the Treasury Management Strategy had been revised during the year due to the lack of suitable counterparties in the market. Over the course of the year interest receipts of £0.336m had been received compared with the budget of £0.225m partly because the Council had locked into some longer term investments at higher interest rates than previously planned when the budget had been drawn up plus the positive impact on cash flow of delayed capital expenditure. The report also detailed progress with efforts to recover monies invested in Landsbanki Islands hf which was being co-ordinated on behalf of all of the affected local authorities by the Local Government Association.

The Cabinet noted that this item had also been considered by the Performance and Governance Committee on 27 September 2011 and that the Committee had endorsed the report.

Resolved: That the Annual Treasury Management Report for 2010/11 be approved.

Implementation of Decisions

This notice was published on 17 October 2011. The decisions contained in minutes 33, 35 and 38 take effect on 25 October 2011. All other decisions take effect immediately.

THE MEETING WAS CONCLUDED AT 8.02 pm



Chairman